

EXHIBIT B

In The Matter Of:
PEOPLE OF THE STATE OF NEW YORK v.
DONALD J. TRUMP, et al.

MICHAEL COHEN
October 25, 2023

NICOLE C. ROBINSON

NYSCEF DOC. NO. 1637
PEOPLE OF THE STATE OF NEW YORK v.
DONALD J. TRUMP, et al.RECEIVED NYSCEF 11/15/2023
MICHAEL COHEN
October 25, 2023

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| <p>1 SUPREME COURT OF THE STATE OF NEW YORK 2 COUNTY OF NEW YORK : CIVIL TERM : PART 37 3 PEOPLE OF THE STATE OF NEW YORK, BY 4 LETITIA JAMES, ATTORNEY GENERAL OF 5 THE STATE OF NEW YORK, 6 Plaintiff, 7 -against- Index No. 8 DONALD J. TRUMP; DONALD TRUMP, JR.; ERIC TRUMP; 9 IVANKA TRUMP; ALLEN WEISSELBERG; JEFFREY MCCONNEY; 10 THE DONALD J. TRUMP REVOCABLE TRUST; THE TRUMP 11 ORGANIZATION, INC.; TRUMP ORGANIZATION, LLC; 12 DJT HOLDINGS, LLC; DJT HOLDINGS MANAGING MEMBER; 13 TRUMP ENDEAVOR 12, LLC; 401 NORTH WABASH VENTURE, 14 LLC; TRUMP OLD POST OFFICE, LLC; 40 WALL STREET, 15 LLC.; AND SEVEN SPRINGS, LLC, 16 Defendants. 17 Supreme Courthouse 18 60 Centre Street 19 New York, New York 20 October 25, 2023 21 B E F O R E: 22 HONORABLE ARTHUR F. ENGORON, 23 Justice, Supreme Court 24 A P P E A R A N C E S: 25 OFFICE OF THE ATTORNEY GENERAL 26 OF THE STATE OF NEW YORK - LETITIA JAMES 27 Attorneys for Plaintiff 28 28 Liberty Street 29 New York, New York 10005 30 BY: KEVIN WALLACE, ESQ. 31 COLLEEN K. FAHERTY, ESQ. 32 ANDREW AMER, ESQ. 33 ERIC HAREN, ESQ. 34 LOUIS M. SOLOMON, ESQ. 35 MARK H. LADOV, ESQ. 36 SHERIEF GABER, ESQ. 37 (Appearances continued on the next page.)</p> | <p>1 THE COURT OFFICER: All rise. Part 37 is now in 2 session. The Honorable Judge Arthur Engoron presiding. 3 Make sure all cellphones are on silent. Laptops and 4 cellphones will be permitted, but only to members of the 5 press. There's absolutely no recording or photography of 6 any kind allowed in the courtroom. Now, be seated and come 7 to order. 8 THE COURT: Human bodies absorb sound. Can you 9 imagine how loud that would be if the room was vacant? All 10 right. Let's get the issue of the photographers. 11 MR. KISE: Not for us. 12 MS. HABBA: They're not going to want to come in. 13 MR. KISE: Can we do housekeeping? 14 THE COURT: Chris, they told me you're particularly 15 photogenic. 16 MR. KISE: My family for sure. 17 THE COURT: When can we expect the missing person? 18 MR. KISE: I think momentarily, Your Honor, but can 19 I raise two minor housekeeping matters? 20 THE COURT: Attorney General, ready to do some 21 housekeeping matters? 22 MR. KISE: So, and Mr. Robert I think will back my 23 memory and we will, of course, do whatever the Court wants, 24 but so last night when we realized we did not receive 25 anything on the Ivanka Trump motion from the Government, we</p> | <p>12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> |
| <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> | <p>1 PROCEEDINGS</p> <p>1 went back and looked. Our understanding from our -- the 2 conversation was they were going to file on Monday and we 3 were -- you asked me how long we needed and we were going 4 to have two days, so Wednesday. 5 But apparently, when I looked at the e-mail that 6 was sent, it says everybody files on Wednesday, but that 7 wasn't certainly our understanding. So what I'd like, 8 because if the Court still plans to proceed on Friday, which 9 is fine, with the hearing, I would just ask then that we 10 have until tomorrow. If they filed something tonight, then 11 we have until tomorrow night, 24 hours, but that was what we 12 agreed to, was two days. 13 THE COURT: The motion is by a non-party, so I'm 14 not sure -- 15 MR. KISE: So we just -- until we see -- that was 16 the point I made to Your Honor last week. Until we see what 17 they have to say and the other side -- the other ones say, 18 I don't know -- I'm just guessing at that point. 19 THE COURT: Does the Attorney General object to 20 giving them until tomorrow? 21 MS. FAHERTY: Your Honor, I think just in the 22 orderly, efficient management of business, we're all 23 commenting on a third party's motion. I think we can all 24 put in our papers today. 25 THE COURT: Well, how about some compromise</p> | <p>12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> |

NYSCEF DOC NO. 1627
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| PROCEEDINGS | Page 2306 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2308 |
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| 1 tomorrow at -- | | 1 MS. HABBA: Can we just do this first? | |
| 2 MR. KISE: Tomorrow is just one day. That was | | 2 THE COURT: Sure. Go ahead. | |
| 3 certainly our understanding of my dialog with you, Your | | 3 MS. HABBA: It is a little bit delicate and I want | |
| 4 Honor, was that you asked me how many days we needed after | | 4 to start by saying I served as a law clerk to a judge when I | |
| 5 their response. | | 5 first started practicing law and my candor, my judge was | |
| 6 THE COURT: Can we do until noon, so we can read | | 6 very strict about how I did and didn't behave. It is | |
| 7 it, too, by noon tomorrow? | | 7 incredibly distracting when there are eye rolls and constant | |
| 8 MR. KISE: Okay, yes, Your Honor. | | 8 whispering at the bench when I'm trying to cross-examine a | |
| 9 THE COURT: All right. Thanks. You had a second | | 9 witness. So I'm just asking politely that that be | |
| 10 issue? | | 10 refrained. It is very distracting. | |
| 11 MR. KISE: Just an order of witnesses. I know that | | 11 THE COURT: Okay. Granted. | |
| 12 the witness from the Parks Department who was deposed Monday | | 12 MS. HABBA: Thank you. | |
| 13 by video, I don't know if they're planning on calling that | | 13 THE COURT: Okay, photographers. | |
| 14 witness this week or if it is going to be next week. | | 14 (Whereupon, there was a pause in the proceedings.) | |
| 15 THE COURT: Well, let's ask. | | 15 THE COURT: Witness is on his way, right? | |
| 16 MS. FAHERTY: Your Honor, I think what we are | | 16 THE COURT OFFICER: Yes. | |
| 17 trying to understand is how today's proceedings are going to | | 17 Witness entering. | |
| 18 time out. We have a witness lined up for this afternoon. | | 18 THE WITNESS: Good morning. | |
| 19 That will be Ms. Sherri Dillon if the time permits. | | 19 THE COURT: Let's continue with the | |
| 20 Otherwise, we still have the remaining video of Ms. | | 20 cross-examination of Michael Cohen. | |
| 21 Mouradian. We have -- and we've informed counsel the | | 21 MS. HABBA: Thank you, Your Honor. Sounds good? | |
| 22 remaining witnesses for this week. | | 22 CROSS-EXAMINATION | |
| 23 Mr. Gaber is intending to take the | | 23 BY MS. HABBA: | |
| 24 deposition -- the testimony of Mr. Cerrone. I believe he | | 24 Q Mr. Cohen, good morning. | |
| 25 might get pushed into next week as a result of Mr. Gaber's | | 25 A Good morning. | |
| PROCEEDINGS | Page 2307 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2309 |
| 1 absence, but for the remainder of this week, we have three | | 1 Q I just want to remind you that you're still under oath | |
| 2 of our witnesses that are lined up to fill the time. I can | | 2 obviously from yesterday as the judge put you under oath? | |
| 3 speak with counsel to make sure they're fully informed about | | 3 THE COURT: True. | |
| 4 our order of witnesses. If they can equally just give us an | | 4 MS. HABBA: Thank you. | |
| 5 update on their timing on crosses, so we can make sure all | | 5 Q I just want to ask you preliminarily, did you speak | |
| 6 the witnesses are here, everybody is prepared to take the | | 6 with the Attorney General's Office about your testimony between | |
| 7 testimony as necessary. | | 7 yesterday and today? | |
| 8 MR. KISE: I think Ms. Faherty's commentary, | | 8 A No. | |
| 9 because I forgot the point she just made, the reason I was | | 9 Q Did you speak with your lawyer about your testimony | |
| 10 asking about this witness in particular is because Ms. | | 10 between yesterday and today? | |
| 11 Hernandez who intends to do the cross of that witness, she's | | 11 A Yes. | |
| 12 out with COVID, so she won't be back until Monday. So all | | 12 Q Did you speak to anybody about your testimony between | |
| 13 I'm asking is we make sure that witness is next week when | | 13 yesterday and today? | |
| 14 she's back, which I think based on what Ms. Faherty said | | 14 A No. | |
| 15 will work. Otherwise, we are fine with whatever other | | 15 Q Okay. Thank you. | |
| 16 schedule. | | 16 As a follow-up from yesterday's cross, I just mentioned | |
| 17 THE COURT: All right. Good. | | 17 to Ms. Faherty I would like to admit Defendant's Exhibit 952 | |
| 18 And Chris, make it one o'clock tomorrow. | | 18 into evidence. It was the plea hearing allocution dated | |
| 19 MR. KISE: Okay. Thank you. How about 2:15 since | | 19 November 29, 2018. | |
| 20 you give us the lunch hour? | | 20 MS. FAHERTY: For the purposes of his allocution. | |
| 21 THE COURT: We need it for that. One o'clock. | | 21 Otherwise, all of the hearsay statements herein, I don't | |
| 22 MR. KISE: Thank you. | | 22 think it needs to be admitted, but for the fact that it was | |
| 23 MS. HABBA: Your Honor, before we bring the witness | | 23 his allocution. No objection to that portion of it. | |
| 24 in -- | | 24 THE COURT: I'm not sure how we are going to | |
| 25 THE COURT: We have the photographers first. | | 25 distinguish between this and that. Any objection to -- | |

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| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2310 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2312 |
| 1 MS. HABBA: Any response to the objection? | 2 | 1 Donald Trump correct? | 2 |
| 2 THE COURT: Any response to the objection? | 3 | 2 MS. FAHERTY: Objection for the characterization. | 3 |
| 3 MS. HABBA: Yes. An allocution is his words. | 4 | 3 We did this yesterday. I'm just going to stand up now and | 4 |
| 4 They're not hearsay. The portions where a judge asked him a | 5 | 4 forewarn my concern at what I thought was a little bit of a | 5 |
| 5 question and he responds that he's guilty is not hearsay at | 6 | 5 circus yesterday. I'm just putting it on the record now | 6 |
| 6 all. He confirmed yesterday that he was guilty and, in | 7 | 6 that if I need to stand up, I will stand up. My objection | 7 |
| 7 fact, I did ask him to restate the question and he himself | 8 | 7 stands, Your Honor. | 8 |
| 8 said he responded guilty, so I'm not sure why it's hearsay. | 9 | 9 MR. KISE: So, Your Honor, Your Honor -- | 9 |
| 9 MS. FAHERTY: Any other statements in the | 10 | 10 MS. FAHERTY: Two attorneys. | 10 |
| 10 transcript, that's all. Ms. Habba and I are talking the | 11 | 11 MR. KISE: Right. The only circus yesterday was | 11 |
| 11 same language, Your Honor. | 12 | 12 the witness not answering questions, so that's a fair | 12 |
| 12 MS. HABBA: I'm not sure that we are. | 13 | 13 question. He admitted here today for the first time in open | 13 |
| 13 THE COURT: It is admissible for any and all | 14 | 14 court that he lied to Judge Pauley right across the street, | 14 |
| 14 purposes. | 15 | 15 right across the street. He lied to Judge Pauley when he | 15 |
| 15 MS. HABBA: Thank you, Your Honor. | 16 | 16 pled guilty. That's what he said under oath in this | 16 |
| 16 THE COURT: That's what he said in open court under | 17 | 17 courtroom, the same oath that he took there, the same oath | 17 |
| 17 oath. | 18 | 18 that he took here. So in open court, he has now admitted to | 18 |
| 18 MS. HABBA: Thank you, Your Honor. | 19 | 19 perjury in front of the Judge Pauley. I think that's a | 19 |
| 19 Q Mr. Cohen -- | 20 | 20 relevant fact for impeachment and -- may I finish? It | 20 |
| 20 MS. HABBA: And Judge, just so you know before | 21 | 21 should come in. I mean, there's no reason that that | 21 |
| 21 everybody gets up in arms, I'm just going to do two or three | 22 | 22 shouldn't come in. | 22 |
| 22 yes, sir, just to review and clarify the record yesterday | 23 | 23 MR. ROBERT: From the moment the case started, from | 23 |
| 23 after seeing the transcript and then I'll move on. | 24 | 24 the moment of my opening, the People started and talked | 24 |
| 24 THE COURT: Sure. | 25 | 25 about credibility. I talked about credibility. Credibility | 25 |
| 25 Q I want to clarify something about your testimony | | of the witnesses is what Your Honor is ultimately going to | |
| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2311 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2313 |
| 1 yesterday. You stated that you previously pled guilty to | 2 | 1 have to decide in this case. The fact that the witness | 2 |
| 2 several counts of tax evasion, right? | 3 | 2 admitted for the first time yesterday that he committed | 3 |
| 3 A Correct. | 4 | 3 perjury in the Southern District of New York as part of a | 4 |
| 4 Q And those counts had nothing to do with Donald Trump; | 5 | 4 plea, and we are going to get into other acts of perjury | 5 |
| 5 isn't that correct? | 6 | 5 today, couldn't be more relevant in this case in enabling | 6 |
| 6 A That's correct. | 7 | 6 this Court to determine who's telling the truth and who is | 7 |
| 7 Q And it wasn't done at the direction of Donald Trump | 8 | 7 not. | 8 |
| 8 or -- | 9 | 8 THE COURT: Ms. Faherty, I don't understand the | 9 |
| 9 MR. KISE: We still really can't hear you. | 10 | 9 objection. Maybe say it again. What am I missing? | 10 |
| 10 MS. HABBA: Sorry. Is that better? | 11 | 10 MS. FAHERTY: First, Your Honor, counsel has twice | 11 |
| 11 MR. KISE: Yes. | 12 | 11 now repeated this word "perjury" repeatedly. | 12 |
| 12 Q So I had asked you if those counts had nothing to do | 13 | 12 THE COURT: Well, that's the definition of perjury, | 13 |
| 13 with Donald Trump and I believe you responded yes. And it | 14 | 13 lying under oath. | 14 |
| 14 wasn't done at the direction or benefit for President Trump, was | 15 | 14 MR. KISE: Thank you, Your Honor. | 15 |
| 15 it? | 16 | 15 MS. FAHERTY: The legal conclusion of perjury is | 16 |
| 16 A For Mr. Trump, no. | 17 | 16 very different. If you recall earlier this week or last | 17 |
| 17 Q And when you pled guilty to making false statements to | 18 | 17 week, we had counsel stand up, screaming, "Please don't let | 18 |
| 18 a financial institution, that had nothing to do with Donald | 19 | 18 this witness violate his Fifth Amendment rights." I am | 19 |
| 19 Trump, did it, for the HELOC? | 20 | 19 quite concerned at the presentation from counsel that they | 20 |
| 20 A I know what you're referring to. | 21 | 20 are standing up, making these accusations while the witness | 21 |
| 21 Q Right. | 22 | 21 is still on the stand. I'm quite concerned and so I'm | 22 |
| 22 A The answer is no. | 23 | 22 standing up to indicate that that type of showmanship should | 23 |
| 23 Q Okay. Thank you. | 24 | 23 not be permitted. | 24 |
| 24 And when you lied to Judge Pauley under oath at your | 25 | 24 Now, I agree, Your Honor, I did ask Mr. Cohen the | 25 |
| 25 plea hearing for those charges, that had nothing to do with | | 25 very questions Ms. Habba is asking him and he has responded | |

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| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2314 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2316 |
| 1 consistently. So I would just ask for the courtesy and 2 respect that we proceed without this showmanship of words 3 like "perjury" thrown in this court which is a legal 4 conclusion. It is unnecessary. Yes, untruthful. Yes, an 5 admission of a lie. However, please, can we, please, 6 proceed? | | 1 we're entitled to bring that out. We're entitled to raise 2 that. I think it is highly relevant. I think it is highly 3 probative and we shouldn't have to dance around because of 4 some sensitivity about words. Perjury is perjury and it is 5 obvious what's going on here. The Attorney General is 6 trying to cover for an extraordinarily defective witness 7 that they're putting on the stand who has no credibility. | |
| 7 MR. KISE: Your Honor -- 8 THE COURT: Wait. Wait. Wait. 9 MR. KISE: Okay. 10 THE COURT: Mr. Robert, Mr. Kise, I'll tell you 11 rule number one in Engoron's courtroom, which I often say, 12 if I'm arguing for you, you don't have to argue for you. So 13 far, I totally agree with you. | | 8 THE COURT: Now, you are violating two of my rules. 9 First is what I just said. You don't have to argue if I'm 10 arguing for you. Second rule, which I believe I've said 11 during this trial, I know I've said, let's not make 12 speeches. We are here for questions, answers, maybe 13 argument, but we don't need speeches at this point. | |
| 14 So Ms. Faherty, is the basic point the word 15 "perjury," is that what we're trying to avoid here? 16 MS. FAHERTY: I think it is a legal conclusion, 17 Your Honor, and I think that it instills a certain type of 18 fear and intimidation in the witness in particular. That 19 gives me great concern. 20 MS. HABBA: Your Honor, if I may? 21 THE COURT: Yes. 22 MS. HABBA: The perjury, although, the press is 23 just hearing about it now, the perjury was heard at his 24 deposition when he first said that he lied under oath with 25 Judge Pauley. It is only now coming to light. He has | | 14 My understanding, try to see if we can all agree, I 15 believe that perjury implies conviction. You want to say 16 he's lying, say he's lying, but let's not use the word 17 "perjury" especially if you're asking him a question that 18 might ask for a legal conclusion and let's move on. 19 MR. KISE: I'll just note my exception to that, 20 Your Honor. 21 THE COURT: To which part of that? 22 MR. KISE: To the part that we are limited to what 23 we can do. It doesn't imply a conviction. If he perjured 24 himself, he perjured himself. 25 THE COURT: I'll have to -- | |
| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2315 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2317 |
| 1 counsel. He had counsel then. This is not a shock. This 2 is not showmanship. Everybody has had the transcript. It's 3 just that the media hasn't heard about it until now. I'm 4 just doing my job, sir. Mr. Cohen, as we know, is a witness 5 who has interjected in many cases against my client and his 6 credibility is the most important thing that I will attack. 7 THE COURT: Well, can we limit it to -- 8 MS. HABBA: Frankly, I'm done with that line of 9 questioning. It's done. I will be honest with you. 10 MS. FAHERTY: If we could move on -- 11 MR. KISE: I don't know that we're done with that 12 and -- 13 MR. ROBERT: I'm certainly not. 14 MR. KISE: I will certainly say there is nothing 15 wrong with calling a liar a liar. There's nothing wrong 16 with calling someone who admits in open court to perjury. 17 He was under oath in front of Judge Pauley. He was under 18 oath in front of Judge Pauley. He said here yesterday under 19 the same oath, "I lied to Judge Pauley." That's perjury. 20 As Your Honor said, that's the definition of perjury. So we 21 should not be expected to dance around it for someone's 22 sensibilities. 23 A serial liar is a serial liar and since the entire 24 case of the Attorney General hinges on this perjurious 25 witness who has lied to everyone he has ever spoken to, | | 1 MR. KISE: You don't need to have a conviction for 2 that. 3 THE COURT: I'm not sure. I will have to research 4 that. I take your point. 5 MS. HABBA: I can state my question in a way that's 6 acceptable to the Court and it is my last question on this. 7 It is my last question on this at least. 8 Q Mr. Cohen, as a clarifying point, yesterday was the 9 first time you admitted in open court that you lied to Judge 10 Pauley, correct? 11 A In open court? 12 Q Yes. 13 A Yes. 14 Q Thank you. Okay. Let move on to your work with the 15 Trump Organization. 16 You were an employee of the Trump Organization from 17 2007 to 2017; is that correct? 18 A Correct. 19 Q And you previously testified yesterday that you 20 personally participated in the preparation of the Statements of 21 Financial Condition for years 2012 through '15, that you don't 22 recall working on the Statement of Financial Condition in 2011, 23 correct? 24 A That's correct. 25 MS. HABBA: Okay. If I could, please, pull up the | |

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| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2318 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2320 |
| 1 transcript -- | | 1 A Correct. | |
| 2 Q Well, you said correct, so let me move on. And you | | 2 Q Okay. And you testified under oath that you would | |
| 3 previously testified in your deposition that you and Allen | | 3 handwrite the new valuations on the Statement of Financial | |
| 4 Weissenberg were tasked with coming up with valuations of the | | 4 Condition, correct? | |
| 5 assets listed on the Statements of Financial Condition for those | | 5 A That's correct. | |
| 6 years, correct? | | 6 Q And Allen would do the same thing, right? | |
| 7 A Correct. | | 7 A Yes. | |
| 8 Q And you testified that Allen Weissenberg prepared the | | 8 Q And I want to be clear. Allen Weissenberg, right? | |
| 9 first draft of those Statements of Financial Condition for | | 9 THE COURT: That's a question. | |
| 10 Mazars, correct? | | 10 Q Allen Weissenberg, correct? | |
| 11 A I'm sorry. Can you say that again? | | 11 A Yes. | |
| 12 Q Sure. | | 12 Q According to your prior testimony for 2011 to 2015, | |
| 13 You had stated that Allen prepared the first draft of | | 13 this entire process of preparing the Statement of Financial | |
| 14 the Statements of Financial Condition with Mazars, correct? | | 14 Condition consisted of you and Allen taking a printed piece of | |
| 15 A I don't believe that's how I stated it, no. | | 15 paper and then writing on it? That was what you did, correct? | |
| 16 MS. HABBA: Okay. If we could pull up 86:25 to | | 16 A Incorrect. | |
| 17 87:7 from the transcript, please. | | 17 Q Incorrect, okay. Let's take a look at what you said in | |
| 18 MR. KISE: We still -- | | 18 your deposition. | |
| 19 MS. HABBA: Can't hear? Can we put the volume up? | | 19 (Whereupon, the video was played.) | |
| 20 IT SPECIALIST: Every time it gets bumped up a | | 20 Q Mr. Cohen, you also stated that no computer was | |
| 21 little bit -- | | 21 involved? | |
| 22 MS. HABBA: I almost want to take the mic off. I | | 22 A There was a previous question. | |
| 23 think everyone can hear me without it. I'll speak very | | 23 Q No. The question was did you say it. We played it | |
| 24 loudly. Sorry. Let's move on. Can we, please, play that. | | 24 back. Do you doubt that that was you? | |
| 25 Thank you. | | 25 A I don't doubt that was me, but I doubt that that is | |
| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2319 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2321 |
| 1 (Whereupon the video was played.) | | 1 responsive to the question that you stated. | |
| 2 Q Do you remember saying that, Mr. Cohen? | | 2 Q Okay. My question that I stated, we can have a | |
| 3 A Yes, which is not what you were just stating. | | 3 readback if you'd like. | |
| 4 Q So I asked if Allen Weissenberg -- you testified that | | 4 A Sure. | |
| 5 Allen Weissenberg prepared the first draft. Isn't that what you | | 5 MS. HABBA: Judge, may I have a readback? | |
| 6 stated you believed Allen Weissenberg did? | | 6 THE COURT: The very last question? | |
| 7 A No. I suspect that Allen -- I do not know who did it. | | 7 MS. HABBA: The very last question about his | |
| 8 That was the point and that's exactly what I stated in the | | 8 testimony for the handwritten edits, please. | |
| 9 deposition. | | 9 THE COURT: Readback, please. | |
| 10 Q Okay. So you suspect it was Allen Weissenberg, but you | | 10 MS. HABBA: Thank you. | |
| 11 testified that you were personally involved in coming up with a | | 11 (Whereupon, the requested portion of the record was | |
| 12 valuation for almost every asset on the Statements of Financial | | 12 read back.) | |
| 13 Condition, correct? | | 13 A And again, I'll state incorrect because the process was | |
| 14 A No, that's also not correct. | | 14 not just Allen and myself as you saw in that deposition. It | |
| 15 Q Okay. | | 15 included Mr. Trump. | |
| 16 A Every asset? Almost every asset? | | 16 Q Listen, Mr. Cohen. I'm sure you're going to try and do | |
| 17 Q Okay. | | 17 that with me every time and I'm here for it really, but I would | |
| 18 MS. HABBA: If we could play that back, please. | | 18 like you to answer the questions that I ask. I didn't ask you | |
| 19 (Whereupon, the video was played.) | | 19 who was involved. I asked you -- | |
| 20 Q Right. Almost every asset, correct? | | 20 MS. FAHERTY: Your Honor -- | |
| 21 A As the ones that I stated the other day. | | 21 THE COURT: Overruled. Let's -- let the question | |
| 22 Q We'll get to that. And in coming up with a valuations | | 22 finish. | |
| 23 for almost every asset, you testified that you would determine | | 23 MS. HABBA: Thank you. | |
| 24 the valuations by going on Google and finding a comparable | | 24 Q I asked you if you made handwritten edits on the | |
| 25 property with a price per square-foot that was higher, correct? | | 25 Statement of Financial Condition. Is the answer yes or no? | |

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| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) Page 2322 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) Page 2324 |
| <p>1 A I made handwritten edits to the Statement of Financial Condition.</p> <p>3 Q And you also testified to me that you did not and there was no computer involved in your edits; isn't that correct?</p> <p>5 A In my edits, correct.</p> <p>6 Q Okay. But you actually said it wasn't done by you or Allen on your computer. You said Donald Bender did it; isn't that correct?</p> <p>9 A That's what I believe, yes.</p> <p>10 Q That's what you believe, yes. Okay.</p> <p>11 MS. HABBA: Can we, please, confirm that? Can you please play back his dep?</p> <p>13 MS. FAHERTY: Objection.</p> <p>14 THE COURT: Why do we have to play it back? He agreed with you.</p> <p>16 MS. HABBA: Can you just read his answer for me? Sorry. I don't have a feed here just so you know, so it is a little bit tough for me.</p> <p>19 THE COURT: You would just like his answer read back?</p> <p>21 MS. HABBA: Yes, please.</p> <p>22 THE COURT: Please. Thank you.</p> <p>23 (Whereupon, the requested portion of the record was read back.)</p> <p>25 Q So it wasn't done on your computer or Allen's, but then</p> | <p>1 A Correct.</p> <p>2 Q Right.</p> <p>3 A I would go into Allen's office and there was an okay, we have it done. We would walk into Mr. -- towards Mr. Trump's office, knock on the door and say, "Mr. Trump, can we speak to you for a second."</p> <p>7 Q Right.</p> <p>8 A That's how things worked at the Trump Organization. The door is constantly open for the executives. It was a constant carousel into his office.</p> <p>11 Q Okay. And Allen Weisselberg would take the handwritten edits on the Statement of Financial Condition and hand it off to Donald Bender, right?</p> <p>14 A Once authorized to do so, yes.</p> <p>15 Q That's not my question. He would take it when it was done and he would hand it to Donald Bender? Is that what you testified to?</p> <p>18 THE COURT: I think when it was done is ambiguous.</p> <p>19 Q Once the final version of the Statement of Financial Condition was complete in handwritten form, your testimony is that you would then give it to Donald Bender, correct?</p> <p>22 A No, that's not what I stated.</p> <p>23 Q Okay. Who --</p> <p>24 A Allen Weisselberg would hand it off to Donald Bender.</p> <p>25 I never did.</p> |
| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) Page 2323 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) Page 2325 |
| <p>1 you and Allen would take these handwritten edits and review them with Donald Trump, right?</p> <p>3 A Correct.</p> <p>4 Q And this meeting, according to you, would last about 15 minutes; isn't that right?</p> <p>6 A Correct.</p> <p>7 Q And the meetings between you, Allen and Donald Trump were never put in a calendar; isn't that right?</p> <p>9 A To the best of my knowledge, no.</p> <p>10 Q To the best of your knowledge, no.</p> <p>11 Did you ever have an assistant?</p> <p>12 A No.</p> <p>13 Q No. Did you ever keep a calendar for invitations for meetings on your computer?</p> <p>15 A No.</p> <p>16 Q Did you use a computer?</p> <p>17 A Yes.</p> <p>18 Q Okay. So you just had meetings in your head and they would happen and you remember them sitting here today; is that correct?</p> <p>21 A I'm sure. I don't understand your question.</p> <p>22 Q Okay. Let me ask you this way.</p> <p>23 Meetings with you, Allen and Donald Trump on a Statement of Financial Condition lasted 15 minutes and were never scheduled; is that your testimony?</p> | <p>1 Q How do you know that?</p> <p>2 A Because that was the relationship. The relationship existed between Donald Bender and Allen Weisselberg.</p> <p>4 Q Okay. It was your testimony that Donald Bender was continuously at the Trump Organization?</p> <p>6 A Regularly at the office.</p> <p>7 Q Regularly at the office. What is the difference between the two?</p> <p>9 THE COURT: There is a clear difference between continuously and regularly.</p> <p>11 MS. HABBA: Exactly there is, Your Honor, which gets to my point, Your Honor.</p> <p>13 Can we, please, pull up the deposition?</p> <p>14 MS. FAHERTY: I'm sorry. Why?</p> <p>15 MS. HABBA: Because he didn't say "regularly,"</p> <p>16 Colleen. He said "continuously" in his deposition.</p> <p>17 THE COURT: All right. Then she is allowed to play it.</p> <p>19 MS. HABBA: That's how impeachment works.</p> <p>20 (Whereupon, the video was played.)</p> <p>21 Q "Continuously," right, Mr. Cohen?</p> <p>22 A Sure.</p> <p>23 Q Not "regularly," right? Your words, not mine. Were those your words?</p> <p>25 A That's what I stated, yes.</p> |

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| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2326 | M. Cohen - Plaintiff - cross (Habba) | Page 2328 |
| 1 Q Thank you. So Mazars would receive the Statement of 2 Financial Condition with the handwritten edits that you and 3 Allen had written on the prior year's Statement of Financial 4 Condition was your testimony, correct? | | 1 Q And you never discussed the SOFC with Eric Trump, did 2 you? | |
| 5 A I already stated that, yes. | | 3 A Not that I recall. | |
| 6 Q You did not submit any electronic documents or any 7 other supporting documentation, correct? | | 4 Q And you never discussed the SOFC with Ivanka Trump 5 either, did you? | |
| 8 A As to what? The Statement of Financial Condition -- | | 6 A Not that I recall. | |
| 9 Q As to the Statement of Financial Condition. There was 10 no backup data? | | 7 Q Mr. Cohen, you claim that you worked on the 2015 SOFC; 8 is that correct? | |
| 11 A I don't know the answer to that. I don't recall. | | 9 A Yes. | |
| 12 Q You don't know the answer to that? | | 10 Q The 2015 Statement of Financial Condition was President 11 Trump's net worth just over \$6 billion? Do you know that? | |
| 13 A No. I don't understand your question. | | 12 A You'd have to show me the document. | |
| 14 Q Okay. | | 13 Q Sure. Let's do that. | |
| 15 THE COURT: I think the question is in addition to 16 the years in the earlier statement and the handwritten notes 17 that was then approved, did you give anything else like a 18 computer printout or computer drive of any sort? | | 14 MS. HABBA: Can you please pull up PX 729? | |
| 19 THE WITNESS: I did not. | | 15 Q Do you recognize this as the 2015 SOFC? | |
| 20 THE COURT: Okay. That was the question and that's 21 the answer. | | 16 A I do. | |
| 22 Q Okay. And your testimony is that this entire process 23 of editing the Statement of Financial Condition from start to 24 finish with Allen, then approved by Donald Trump took a couple 25 of days; isn't that right? | | 17 Q Okay. | |
| | Page 2327 | 18 MS. HABBA: It's already into evidence. If we can 19 just flip the page. | |
| 1 A That's what I stated. | | 20 Q Do you see at the bottom where it says "his total 21 assets." Can you read for me what that number is? | |
| 2 Q Okay. And you never discussed the Statement of 3 Financial Conditions with Donald Trump Jr. did you? | | 22 A 6,580,300,000. | |
| 4 A Not that I recall. | | 23 Q Right. And that number is meant to reflect President 24 Trump's financial status as of June 30, 2015; correct? | |
| 5 (Continued on the next page.) | | 25 A Correct. | |
| | Page 2327 | M. Cohen - Plaintiff - cross (Habba) | Page 2329 |
| 10 | | 1 Q And on July 16, 2015, just two weeks approximately 2 after, you appeared on CNN and stated that you considered 3 yourself to be a real estate expert and Donald Trump's net worth 4 was probably over \$10 billion. Do you remember that? | |
| 11 | | 5 A I remember saying that. | |
| 12 | | 6 Q Okay. And, in fact, you stated that you believed a 7 \$10 billion estimation was low. Do you recall that? | |
| 13 | | 8 A I recall that's what Mr. Trump wanted me to say, yes. | |
| 14 | | 9 Q That wasn't the question, Mr. Cohen. | |
| 15 | | 10 A That's my answer. | |
| 16 | | 11 Q Is it? I'm not surprised by that, Mr. Cohen. You're 12 very good at blaming other people. | |
| 17 | | 13 So \$10 billion estimation was low. | |
| 18 | | 14 MS. HABBA: You know what, can you play that for 15 me, please? | |
| 19 | | 16 (Whereupon, there is a pause in the proceedings.) | |
| 20 | | 17 Q Okay. | |
| 21 | | 18 MS. FAHERTY: Can you provide the date on that, 19 please? | |
| 22 | | 20 MS. HABBA: I did. It's July 16, 2015. I said it 21 in -- it's in the transcript. | |
| 23 | | 22 I'd like to move -- | |
| 24 | | 23 Q That's you on that, I assume? You recognize yourself 24 there? | |
| 25 | | 25 A Yes, less gray. | |

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| M. Cohen - Plaintiff - cross (Habba) | Page 2330 | M. Cohen - Plaintiff - cross (Habba) | Page 2332 |
|---|-----------|--|-----------|
| 1 Q And that was your clip from CNN on July 16, 2015? | | 1 A That's what it says. | |
| 2 A That's correct. | | 2 Q Correct? | |
| 3 Q Okay, thank you. | | 3 MS. FAHERTY: Your Honor. | |
| 4 MS. HABBA: Can we please move that into evidence, | | 4 THE COURT: Don't say "correct." | |
| 5 D 996? | | 5 MS. FAHERTY: I'm just going to object to this | |
| 6 MS. FAHERTY: For purposes of those, the statements | | 6 document she's put it in front of him. We already | |
| 7 he made, no objection for that. | | 7 established it's 2011. I don't know what this is. There is | |
| 8 THE COURT: All right. They're in evidence -- it's | | 8 no proffer on this document, there is no foundation on this | |
| 9 in evidence. | | 9 document. I'm objecting to it. | |
| 10 Q You stated that you considered yourself to be an expert | | 10 THE COURT: Sustained. | |
| 11 in real estate; correct? | | 11 MS. FAHERTY: Thank you, Your Honor. | |
| 12 A I did say that, yes. | | 12 THE COURT: We don't know what it is. | |
| 13 Q Why did you say that? | | 13 Q The Trump brand was worth billions of dollars; correct, | |
| 14 A I do have a pretty good understanding of New York City | | 14 Mr. Cohen? | |
| 15 real estate. | | 15 A I don't know that to be the answer. | |
| 16 Q Good. | | 16 Q But you're a real estate expert, Mr. Cohen, aren't you? | |
| 17 THE COURT: Quick sidebar, Counsel. I can't stop | | 17 A I'm not a brand expert, Ms. Habba. | |
| 18 myself from doing this. Just come up. | | 18 Q You're not a brand expert. | |
| 19 (Whereupon, an off-the-record discussion is held at | | 19 Was the brand on the SOFC since you worked on it? Can | |
| 20 the sidebar.) | | 20 you answer that? | |
| 21 THE COURT: Back on the record. | | 21 A I don't believe so. | |
| 22 MS. HABBA: Thank you. | | 22 Q You don't believe so? Is that a yes or no? | |
| 23 Q Mr. Cohen, you went through a couple properties in that | | 23 A It's an I don't believe so. I don't think it is. | |
| 24 clip that were owned by the Trump Organization; correct? | | 24 Q How can you not be a hundred percent certain when you | |
| 25 A Correct. | | 25 and Allen Weisselberg were the ones that were tasked with doing | |
| M. Cohen - Plaintiff - cross (Habba) | Page 2331 | M. Cohen - Plaintiff - cross (Habba) | Page 2333 |
| 1 Q And you stated that those properties are second to | | 1 it? | |
| 2 none; correct? | | 2 A Then I don't believe it's on there. | |
| 3 A Correct. | | 3 Q Yes or no? | |
| 4 Q And the Trump brand has value as well; correct? | | 4 A I would say no. | |
| 5 A Yes. | | 5 Q Thank you. | |
| 6 THE COURT: Is that a question in the abstract or | | 6 THE COURT: Wait. Hold on. You can't make him say | |
| 7 are you asking if he said that? | | 7 yes or no. He's allowed to say "I don't know" or "I'm not | |
| 8 MS. HABBA: No. Question in the abstract. | | 8 sure." | |
| 9 THE COURT: Okay. Had to be clear. | | 9 MS. HABBA: Okay. | |
| 10 Q And according to Predictive, the Trump brand at Fact | | 10 Q Did you ever include the brand on the SOFC? | |
| 11 Item 2000 -- the Trump brand is worth 3 billion; is that | | 11 A I did not. | |
| 12 correct? | | 12 Q Okay. Did Donald Trump ever include the brand on the | |
| 13 A Is there a document that you're relating to? | | 13 SOFC? | |
| 14 Q Sure, sure. | | 14 A No. | |
| 15 MS. HABBA: PX 431. Can you please pull up? | | 15 Q Did Allen Weisselberg ever include the brand on the | |
| 16 MR. KISE: And, again, Your Honor, to the extent | | 16 SOFC? | |
| 17 we're not waiving, you know, this, but I am -- I'm just | | 17 A No. | |
| 18 pointing it out. I believe this is a 2011 document. We're | | 18 Q Thank you. That answers my question with a no. | |
| 19 not waiving our statute of limitations argument by | | 19 THE COURT: Please don't comment on the answers. | |
| 20 introducing it. | | 20 You asked, he answered. | |
| 21 THE COURT: Understood. | | 21 MS. HABBA: All due respect, Your Honor. | |
| 22 MS. HABBA: If we could go to the second page? | | 22 A I've answered every question that you want. Why are | |
| 23 Q Do you see that it says "based on the information it | | 23 you screaming at me? I'm a subpoenaed witness. | |
| 24 provided it's concluded that the value of the Trump brand is 2.8 | | 24 MS. HABBA: Mr. Cohen, let's continue. | |
| 25 to 3 billion?" | | 25 Q Okay. You were represented at one point by Robert | |

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| M. Cohen - Plaintiff - cross (Habba) | Page 2334 | M. Cohen - Plaintiff - cross (Habba) | Page 2336 |
| 1 Costello; correct? | | 1 manner in Mussolini. My journey to the truth has been filled | |
| 2 A No. | | 2 with sadness, pain and anger. Today's announcement makes it all | |
| 3 Q No? | | 3 worth it." Do you remember saying that now? | |
| 4 A No. | | 4 A I wrote that. | |
| 5 Q So Robert Costello was not your lawyer at any point? | | 5 Q Okay. So did you thank Letitia James? | |
| 6 A No. | | 6 A Not personally. I thanked her on the tweet. | |
| 7 Q Okay. Do you know Robert Costello? | | 7 Q Okay. Thank you very much. | |
| 8 A I've met Robert Costello. | | 8 THE COURT: Please don't comment. | |
| 9 Q Have you spoken with? | | 9 Q And you take pride in your role in commencing the | |
| 10 A I have spoken with Robert Costello. | | 10 investigation; correct? | |
| 11 Q Did you ever tell Robert Costello you don't have | | 11 A I acknowledge it. | |
| 12 anything on Donald Trump, "I swear to God I don't have anything | | 12 Q You -- | |
| 13 on Donald Trump?" | | 13 A It's for acknowledging. | |
| 14 A I don't recall that. | | 14 Q I don't think I understand that. | |
| 15 Q You don't recall? Did you -- | | 15 So by thanking her you're saying you acknowledge your | |
| 16 THE COURT: Please don't comment on the answers. | | 16 participation? | |
| 17 MS. HABBA: I am phrasing my question. | | 17 A I thanked her for acknowledging my participation. | |
| 18 Q So do you recall that you told him you would "do | | 18 That's what it says. | |
| 19 whatever the, "excuse my French, "F," I'll say, "it takes to | | 19 Q Okay. Are you proud that you participated in this | |
| 20 avoid jail time?" Recall that? | | 20 investigation, Mr. Cohen? | |
| 21 A I don't recall that either. | | 21 A I don't know if the word "proud" is the way I would | |
| 22 Q Okay. Mr. Cohen, Letitia James, Attorney General of | | 22 describe it. | |
| 23 New York, has personally thanked you as being one of the central | | 23 Q Did you say in your tweet that "this makes it all worth | |
| 24 reasons the Attorney General's Office investigation into the | | 24 it?" The tweet's right in front of you. | |
| 25 Trump Organization business dealings was initiated. Isn't that | | 25 A Yes, I said that. Does that connote to the term | |
| M. Cohen - Plaintiff - cross (Habba) | Page 2335 | M. Cohen - Plaintiff - cross (Habba) | Page 2337 |
| 1 correct? | | 1 "proud?" | |
| 2 A You're welcome. Yes. | | 2 Q Let's just move on. | |
| 3 Q You're welcome, you're welcome. That's telling. | | 3 A Okay. | |
| 4 So what I'd like to say is you're right -- | | 4 Q And you personally assisted the Attorney General in its | |
| 5 MS. FAHERTY: Your Honor, please. | | 5 investigation of the SOFCs; correct? | |
| 6 MS. HABBA: I withdraw that. | | 6 A No. | |
| 7 THE COURT: Okay. Withdrawn. | | 7 Q No? | |
| 8 Q Did you -- you just personally thanked her now; | | 8 A No. | |
| 9 correct? | | 9 Q Okay. Mr. Cohen, did you write a book called | |
| 10 A I was being comical. | | 10 "Revenge?" | |
| 11 Q You were being comical. | | 11 A I did. | |
| 12 A Yes, I have seen the -- | | 12 MS. HABBA: Can we please pull up "Revenge" at 179? | |
| 13 Q Let me ask you a question -- | | 13 I'll read this just to make it easy. | |
| 14 A I did see the video of her thanking me and I never had | | 14 Q Mr. Cohen, is this your book? | |
| 15 a chance to say thank you. | | 15 A That is. | |
| 16 Q You never had a chance to say thank you. So you want | | 16 Q Page 179 to 180 states: "Part of that offering was | |
| 17 to do it now in court? Great. | | 17 400 hours of testimony before seven different congressional | |
| 18 You actually did have a chance to say thank you. | | 18 committees, talking to the Manhattan DA, the Attorney General, | |
| 19 MS. HABBA: Can you pull it up, please? | | 19 and the Department of Justice. I cooperated with them all." | |
| 20 Q Do you see September 21, 2022, is this your handle on X | | 20 Are you reading along with me, sir? | |
| 21 now at the time Twitter @MichaelCohen212? | | 21 A Oh, I am. | |
| 22 A It is. | | 22 Q "As for the substance of cooperation, I want to make | |
| 23 Q Okay. And do you remember writing that tweet that says | | 23 clear exactly what I gave to the government concerning Donald | |
| 24 "I want to personally thank Tish James for acknowledging my | | 24 Trump. I gave them a roadmap. I gave them everything that I | |
| 25 participation and assistance in bringing accountability to the | | 25 knew about Donald Trump. I provided the government with the | |

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| M. Cohen - Plaintiff - cross (Habba) | Page 2338 | M. Cohen - Plaintiff - cross (Habba) | Page 2340 |
| 1 basic understanding of how the Trump Organization operates with 2 Donald at the helm. I explained the various roles of other 3 executives and countless acts of illegal activities, the crimes 4 mostly centering around finances. I provided, among other 5 things, Trump's personal financial statements for various years, 6 copies of checks and other assorted documents." | | 1 A It's my words. 2 Q And you claimed to have provided documentation which 3 shows countless acts of illegal activities; correct? | |
| 7 Does that refresh your recollection, Mr. Cohen? | | 4 A You're reading that from where? Okay. | |
| 8 A As to what? | | 5 Q You can read it to yourself. Take your time. | |
| 9 Q As to the question that you just answered differently; 10 that you didn't personally assist the AG with the investigation 11 of the SOFCs? | | 6 MR. KISE: Can we have one minute, Your Honor, 7 while he's reading that? Just counsel? | |
| 12 A When I was in conversation with the Manhattan District 13 Attorney, the Attorney General's Office participated in those 14 meetings and so what I did is I combined them together. There 15 was no specific AG meetings. They were present at my meetings 16 with the Manhattan District Attorney's Office. | | 8 THE COURT: Sure. | |
| 17 Q So the Manhattan District Attorney's Office and the 18 Attorney General's Office were working in tandem. That is your 19 testimony, correct? | | 9 (Whereupon, there is a pause in the proceedings.) | |
| 20 A That's my testimony. | | 10 MR. KISE: Thank you, Judge. | |
| 21 Q And, in fact, you saw them working in tandem; correct? | | 11 Q Okay. According -- were we waiting for an answer? Did 12 you read it? | |
| 22 A They participated in those meetings. | | 13 A Yes, I read it. | |
| 23 Q Together? | | 14 Q And it says that? | |
| 24 A They were present in those meetings. | | 15 A Yes, I read it. It says it perfectly. | |
| 25 Q Were you promised anything from the Attorney General if | | 16 Q I'll speak really loud. Your testimony is that you 17 personally participated in the SOFCs; correct? | |
| M. Cohen - Plaintiff - cross (Habba) | Page 2339 | M. Cohen - Plaintiff - cross (Habba) | Page 2341 |
| 1 you agreed to assist in the investigation of the Trump 2 Organization, Mr. Cohen? | | 1 1 you were part of the process of inflating the SOFCs? | |
| 3 A No. | | 2 MS. FAHERTY: Just to clarify, I've lost this line 3 of questioning. Who is the "them"? | |
| 4 Q You did claim that you provided a "roadmap," 5 quote/unquote, of all the financial crimes that you claim 6 occurred at the Trump Organization. Isn't that correct? | | 4 Q Okay. Let me restart it. Let's just be clear. I 5 appreciate that. | |
| 7 A That's not what it says. | | 6 THE COURT: Withdrawn? | |
| 8 Q That's not -- | | 7 MS. HABBA: Withdrawn. | |
| 9 A What it says -- I want to make clear exactly what I 10 gave the government concerning Donald Trump. I gave them a 11 roadmap. | | 8 MS. FAHERTY: Thank you, Your Honor. | |
| 12 Q Can I just stop you there, Mr. Cohen? | | 9 Q Mr. Cohen, you have testified between yesterday and 10 today that you were personally responsible for drafting and 11 coming up with numbers in the SOFCs; correct? | |
| 13 A You can. | | 12 A Which I did at the direction of Mr. Trump. | |
| 14 Q Did you just say "I gave them a roadmap?" | | 13 Q That's not what I asked you, Mr. Cohen. | |
| 15 THE COURT: He just said that, yes. | | 14 Yes or no did you partake? | |
| 16 Q What's the answer to that? | | 15 A I did. | |
| 17 A Already asked and answered. | | 16 Q Okay. And you told the District Attorney's Office that 17 you did this; correct? | |
| 18 Q We're going to -- | | 18 A I can't go into that. There is another case that's 19 pending right now. It's improper. | |
| 19 MS. HABBA: Okay, Your Honor. | | 20 Q Not really because you've testified -- I'm sorry. | |
| 20 MR. KISE: The judge doesn't like that objection. | | 21 But you testified they were there, so if you told them, 22 you told them; right? | |
| 21 THE WITNESS: Apologies, Your Honor. | | 23 MS. FAHERTY: Your Honor, if I could -- | |
| 22 A The answer is yes, that's what I wrote. It's in the 23 book. | | 24 MS. HABBA: It's not -- | |
| 24 Q Okay. Thank you. | | 25 THE COURT: Your microphone isn't working. | |
| 25 These are your words in the book, correct? | | | |

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| M. Cohen - Plaintiff - cross (Habba) | Page 2342 | M. Cohen - Plaintiff - cross (Habba) | Page 2344 |
| <p>1 MS. FAHERTY: Can you hear me? If I can raise an 2 objection here. I think this record at this point is a bit 3 muddled and confusing. There was an excerpt from 4 Mr. Cohen's book that we were just looking at. The 5 questions were focused on the excerpt in the book. We have 6 now closed the book. We're talking about themes, we're 7 talking about the DA. It is untethered. I'm a bit confused 8 where this line of questioning is going and I would really 9 ask that we keep it focused and direct. I don't understand 10 what testimony is being elicited and I will say there is a 11 parallel DANY proceeding, so I'm a bit concerned that the 12 line of questioning is going beyond the scope of this case 13 and bleeding into another case. So I'm just raising my 14 concern that this line of questioning which started with the 15 book is now untethered and I don't know where we actually 16 are with this testimony.</p> <p>17 MR. KISE: Well, Your Honor, if you're going to 18 side with me I'm not going to say anything.</p> <p>19 THE COURT: You're learning.</p> <p>20 Well, sustained solely on the ground that I think 21 it's unclear who "they" are, etc., etc.. I like to go with 22 the simple rulings.</p> <p>23 MS. FAHERTY: Thank you, Your Honor.</p> <p>24 THE COURT: So without prejudice obviously to 25 whatever you want to ask about.</p> | | <p>1 Q I'm not going to get into the conversations, just so 2 you know.</p> <p>3 Are you aware that he noted in his book that there are 4 significant risks with using you as a witness because of your 5 credibility?</p> <p>6 A I didn't read his book.</p> <p>7 Q Okay. Prior to termination of your professional 8 relationship with him, you had a very high --</p> <p>9 A I'm sorry, who is "him"?</p> <p>10 Q If you let me finish my question.</p> <p>11 You had a very high regard of President Trump; is that 12 correct?</p> <p>13 A Correct.</p> <p>14 Q And in the past you had a long history of praising 15 Mr. Trump, isn't that right, Mr. Cohen?</p> <p>16 A Also correct.</p> <p>17 Q In fact, you stated that you worshipped him. Isn't 18 that correct?</p> <p>19 A Yes, that's correct.</p> <p>20 Q And you testified under oath before Congress that you 21 are very proud to have served Donald Trump and that you would 22 continue to support him. Isn't that correct?</p> <p>23 A I don't know what you're referring to.</p> <p>24 Q Okay.</p> <p>25 A I testified seven times to congressional committees.</p> | |
| M. Cohen - Plaintiff - cross (Habba) | Page 2343 | M. Cohen - Plaintiff - cross (Habba) | Page 2345 |
| <p>1 MS. HABBA: Sure.</p> <p>2 Q Mr. Cohen, no charges were ever brought against you 3 personally by DANY in connection with your work on the Statement 4 of Financial Conditions, were they?</p> <p>5 A No.</p> <p>6 THE COURT: DANY is the District Attorney of New 7 York. Not everybody knows.</p> <p>8 MS. HABBA: Thank you, Your Honor.</p> <p>9 Q And, in fact, no claims were ever made against you by 10 the New York Attorney General, were they?</p> <p>11 A No.</p> <p>12 Q But you have claimed in your testimony that you are an 13 essential player in inflating the assets in the SOFC; correct?</p> <p>14 A I stated that, yes.</p> <p>15 Q And despite all of that you were never named as a 16 defendant in this case, were you?</p> <p>17 A I am not named as a defendant in this case.</p> <p>18 Q So the Attorney General must not believe that your 19 story is credible; is that correct?</p> <p>20 A You are drawing a conclusion that I don't know. You 21 could ask Ms. James.</p> <p>22 ATTORNEY GENERAL JAMES: I object.</p> <p>23 THE COURT: We're still researching that one.</p> <p>24 Q You even met with Mr. Pomerantz; correct?</p> <p>25 A I have met with Mr. Pomerantz, yes.</p> | | <p>1 Which one?</p> <p>2 MS. HABBA: Can we please pull it up on 102, D 960?</p> <p>3 Thank you.</p> <p>4 Q Mr. Cohen, you were interviewed by -- in an Executive 5 Session. It was a closed-door session with the Permanent Select 6 Committee on Intelligence, the U.S. House of Representatives on 7 October 24, 2017. Do you recall that?</p> <p>8 A I do.</p> <p>9 Q Okay. And that was closed to the public; right?</p> <p>10 A That was.</p> <p>11 Q This is a transcript from that. As you can see it's an 12 unclassified transcript from that hearing. Do you see that?</p> <p>13 A I do.</p> <p>14 MS. HABBA: Go back to the front page if you need.</p> <p>15 At D 960 -- can you please scroll up?</p> <p>16 Q You state -- sorry.</p> <p>17 MS. HABBA: The next page.</p> <p>18 Q Mr. Cohen, it says, "I am very proud to have served 19 Donald Trump for all these years, and I will continue to support 20 him." Do you now remember saying that?</p> <p>21 A This is the document that was prepared by the entire 22 group that I referred in the direct. This was done by myself 23 with Alan Garten, this was done with Jay Sekulow, with a whole 24 slew of individuals, but yes, I did make that statement.</p> <p>25 Q You made that statement in front of that committee;</p> | |

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DONALD J. TRUMP, et al.RECEIVED NYSCEF 11/15/2023
MICHAEL COHEN
October 25, 2023

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| M. Cohen - Plaintiff - cross (Habba) | Page 2346 | M. Cohen - Plaintiff - cross (Habba) | Page 2348 |
| 1 correct? | | 1 addressed it and I think I sustained probably more than half | |
| 2 A Correct. | | 2 of them, so. | |
| 3 Q Thank you. | | 3 MR. KISE: You didn't, Your Honor. But my point | |
| 4 Your opinion of Mr. Trump was so high, in fact, that | | 4 was we didn't object. We just let it go because we're | |
| 5 you once stated you would take a bullet for him; is that | | 5 trying to move the case along and so we're asking the | |
| 6 correct? | | 6 Attorney General, they're making arguments about documents | |
| 7 A Vanity Fair, Emily Fox, yes. | | 7 and we haven't even had a moment to connect up before we | |
| 8 Q Thank you're doing my work for me. I appreciate it. | | 8 even get to -- the examiner gets to say anything. | |
| 9 And you referred to yourself as the guy who protects | | 9 MS. HABBA: And, Your Honor, if I might just add | |
| 10 the President and the family. Isn't that right? | | 10 myself. It is completely disrespectful when I just pull a | |
| 11 A That's also correct. | | 11 document up and don't even get a question out. We'll be | |
| 12 Q And you've insisted that you would never walk away from | | 12 here well into tomorrow, I assure you of that. I have a lot | |
| 13 Donald Trump; correct? | | 13 of questions if this is how we're going to do it. I have a | |
| 14 A I stated that. | | 14 right to ask him questions. We've given you the exhibits | |
| 15 Q I would like to now show you a political article dated | | 15 like we were supposed to several days ago, so I would like | |
| 16 July 9, 2015, which is in evidence as D 986. I'm going to | | 16 to do my job for my client, please. | |
| 17 highlight a section. If you can just read it, please? | | 17 THE COURT: This document is already in evidence. | |
| 18 MS. FAHERTY: What is this? | | 18 MS. HABBA: Exactly. | |
| 19 MS. HABBA: You have this -- it's a political | | 19 MS. FAHERTY: This is not admitted into evidence, | |
| 20 article dated July 9, 2015. It was given two days ago. | | 20 Your Honor, no. It was placed into an exhibit folder -- | |
| 21 MS. FAHERTY: Why are we putting this in front of | | 21 MS. HABBA: For you. | |
| 22 him? | | 22 MS. FAHERTY: -- for us to review two nights ago at | |
| 23 MR. KISE: Just sit down and you'll find out. | | 23 I think 10:30 at night. And, in fact, I came to the | |
| 24 MS. FAHERTY: Mr. Kise, I appreciate the | | 24 courthouse this morning, there was yet another added. | |
| 25 commentary, but I would like a proffer of this. When you | | 25 So if I stand up, respectfully, Your Honor, and say | |
| M. Cohen - Plaintiff - cross (Habba) | Page 2347 | M. Cohen - Plaintiff - cross (Habba) | Page 2349 |
| 1 comment and ask the witness a question, I will extend the | | 1 I would like a proffer because I have not heard a proper | |
| 2 same courtesy to you. | | 2 foundation laid to either impeach this witness, I haven't | |
| 3 MR. KISE: No. Apparently the Attorney General | | 3 heard it yet. We have repeatedly this morning seen | |
| 4 hasn't. And as Your Honor knows, we have given, | | 4 something thrown onto the screen declaring I'm going to | |
| 5 particularly Ms. Faherty, an extraordinary amount of | | 5 impeach you with this new evidence when that hasn't been | |
| 6 latitude in how she asks questions and have sat here with | | 6 properly laid down. | |
| 7 leading question after leading question and introducing | | 7 Respectfully, I would appreciate Ms. Habba to | |
| 8 documents and everything yesterday, everything comes in. So | | 8 continue with the examination in a way that sets the | |
| 9 I think bringing up a document and giving us a moment or two | | 9 evidence properly. The foundation is laid, the questions | |
| 10 to tie to it is well within the discretion of the Court. | | 10 can be asked, the evidence can come in. We have not been | |
| 11 THE COURT: Mr. Kise, please be respectful to the | | 11 following that orderly procedure. That is all I've asked, | |
| 12 attorneys on the other side. | | 12 Your Honor. I stood up and said voir dire this. What is | |
| 13 MR. KISE: I am being respectful, but they're not | | 13 this and what is its purpose for this particular witness? | |
| 14 respectful to me. That group of attorneys over there, they | | 14 MS. HABBA: All due respect, I just ask that it be | |
| 15 asked Your Honor to sanction me. 33 years I have been | | 15 put up, Colleen. You've been interrupting me. | |
| 16 practicing law. I've argued and won four cases in the | | 16 MR. ROBERT: Your Honor -- | |
| 17 Supreme Court of the United States and I am being subject to | | 17 THE COURT: Mr. Robert, you've been relatively | |
| 18 sanction for making legal arguments and they want me to be | | 18 quiet. | |
| 19 respectful to them? Respect is not something -- where I | | 19 MR. ROBERT: And I'll be brief. We have been here | |
| 20 grew up respect is not something that you get. It's | | 20 now four weeks and we have sat here while the Attorney | |
| 21 something that you earn and I believe as a lawyer I've | | 21 General has put documents in front of witnesses and instead | |
| 22 certainly earned it. | | 22 of putting them into evidence first, ask the witness spend | |
| 23 THE COURT: I will try to jump into the fray here. | | 23 five and ten minutes discussing them and then putting them | |
| 24 I will say whenever there is an objection but the question | | 24 into evidence. We have sat quietly because we wanted to get | |
| 25 by the Attorney General's counsel was leading, I always | | 25 this thing done in an orderly and efficient process. | |

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| M. Cohen - Plaintiff - cross (Habba) | Page 2350 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2352 |
| <p>1 As far as exchanging of documents we have been the 2 ones who have been vigilant. Every night the Attorney 3 General is sending us five more, 50 more, a hundred more 4 documents. That's the way this process works.</p> <p>5 Ms. Habba is allowed to ask Mr. Cohen a question. 6 Based on what his answers are and then make the 7 determination whether the document be put into evidence or 8 not.</p> <p>9 Ms. Faherty now objecting to us being able to lay a 10 foundation when for weeks now I have listened to them recite 11 from documents that were not in evidence because we assumed 12 subject to connection they would come in and they did is 13 just grandstanding. Let's let Ms. Habba proceed and then 14 when an application is made to put in evidence, the Court 15 will deal with it.</p> <p>16 THE COURT: I do think that the Attorney General's 17 objection or interruptions is premature. A document is put 18 on the screen, I haven't heard anything. I stand corrected. 19 Somebody said that this document was in evidence. I don't 20 care who, but can we agree it's not in evidence?</p> <p>21 MS. HABBA: It's not in evidence. It was provided 22 to the AG pursuant to your rules two days ago.</p> <p>23 THE COURT: Of course. That's hardly in evidence. 24 And I will say something else in response to Mr. Kise's 25 comments on respect. I agree respect isn't mandatory or</p> | Page 2350 | <p>1 Q Mr. Cohen, do you recall in a political article dated 2 July 29, 2015 that you stated, "The fact is Mr. Trump has built 3 a \$10 billion-plus empire, employs thousands of people, has 4 worked with many leaders around the globe successfully and is 5 considered one of the best negotiators in history. These are 6 all qualifications essential to being a great president."</p> <p>7 A I made that statement.</p> <p>8 Q Thank you. And at that time, you thought Mr. Trump had 9 all the qualifications necessary to be a great president, 10 correct?</p> <p>11 THE COURT: That's not what we are here for, by the 12 way, obviously.</p> <p>13 MS. HABBA: Your Honor, it actually goes to 14 credibility. I can explain.</p> <p>15 THE COURT: All right. I'll -- I didn't say you 16 couldn't ask it, but -- or read it, but I just want to make 17 sure we're focusing on why we're here, not external matters.</p> <p>18 MS. HABBA: Absolutely. Absolutely.</p> <p>19 THE COURT: Okay.</p> <p>20 A Can you state the question?</p> <p>21 MS. HABBA: Could I, please, get a readback? Was 22 there a question?</p> <p>23 THE WITNESS: I don't know.</p> <p>24 Q I just asked you if you stated that.</p> <p>25 A I stated, "yes."</p> | Page 2352 |
| assumed. It's earned, but in this courtroom I want everybody to respect each other. | Page 2351 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2353 |
| <p>3 MR. KISE: And I certainly think I have done that, 4 Your Honor, while I have suffered through an awful lot at 5 the hands of the Attorney General in this case throughout 6 this case. It has been extraordinary in my experience, 7 extraordinary.</p> <p>8 THE COURT: I'm not going to second that. Yes, I 9 don't know what you have or haven't. So in the courtroom, 10 no. I haven't seen it, but anyway, all right. We now have 11 a document on. It's not in evidence and we'll ask Ms. Habba 12 to proceed.</p> <p>13 Transcript continues on the following page....</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | Page 2351 | <p>1 Q We could do a readback if you want to make sure you 2 answered, if Your Honor would like.</p> <p>3 THE COURT: I am pretty sure he answered.</p> <p>4 MS. HABBA: He stated it. He answered the 5 question.</p> <p>6 Q Mr. Cohen, do you recall in a Reuter's article being 7 quoted saying that "President Trump's record at the time" -- 8 "Mr. Trump's record was proof of" -- "his success was proof 9 positive of Mr. Trump's character and capabilities."</p> <p>10 Do you recall that?</p> <p>11 A Is that another 2015 article?</p> <p>12 Q That was dated August 28, 2015, yes.</p> <p>13 A Can I see it?</p> <p>14 Q Sure. We can pull it up. This is D993-4.</p> <p>15 Mr. Cohen, you can see on the bottom that it 16 says -- from the reuters.com website, correct?</p> <p>17 A Yes, I see that.</p> <p>18 Q You see we highlighted for you the section, "Trump 19 lawyer Michael Cohen stated Trump's record of success was "proof 20 positive of Mr. Trump's character and capabilities."</p> <p>21 Do you see that?</p> <p>22 A Yes, I see that.</p> <p>23 Q And do you now recall saying that in this article for 24 Reuters on August 28, 2015?</p> <p>25 A I'm sorry. Your question is?</p> | Page 2353 |

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| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2354 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2356 |
| 1 THE COURT: Do you remember saying it to Reuters? | | 1 Q And can you read that for me, please, what you Tweeted? | |
| 2 THE WITNESS: Yes, I said this to Reuters. | | 2 A "Thank you... and believe wholeheartedly that only | |
| 3 MS. HABBA: I am saying it, so I don't -- I am | | 3 #trumpwill#makeamericagreatagain." | |
| 4 laying a foundation, so I don't get an objection. I will | | 4 Q Okay. And you tagged "realdonaldtrump," correct? | |
| 5 move on. | | 5 A Yes, I did. | |
| 6 MS. FAHERTY: For the sole purpose that this is an | | 6 Q That's President Trump's Twitter account? | |
| 7 article that captures this statement, no objection. I mean, | | 7 A Yes. | |
| 8 I'll also highlight this article also says, "For Trump, | | 8 Q You tagged "womenforcohen?" | |
| 9 exaggerating has always been a frequent impulse especially | | 9 A Yes. | |
| 10 when the value of his Trump brand is disputed." If counsel | | 10 MS. HABBA: I would like to admit the Tweet into | |
| 11 wants that in evidence -- | | 11 evidence as D995, please? | |
| 12 THE COURT: You can do that on re-direct or | | 12 MS. FAHERTY: No objection. | |
| 13 whatever. | | 13 THE COURT: Admitted into evidence. | |
| 14 MS. FAHERTY: This is, otherwise, a hearsay | | 14 (Whereupon, the Document was marked in evidence as | |
| 15 document, Your Honor. So for the purposes of that one | | 15 Plaintiff's Exhibit D995.) | |
| 16 statement -- | | 16 Q So Mr. Cohen, after Mr. Trump was elected as president, | |
| 17 THE COURT: Admitted just for the fact that he said | | 17 you expected to get a position in The White House, didn't you? | |
| 18 it. | | 18 A Incorrect. | |
| 19 MS. HABBA: That's it. | | 19 Q Incorrect. You didn't -- you did not think you were | |
| 20 MS. FAHERTY: Thank you. | | 20 going to go to the White House? Is that your testimony today? | |
| 21 MS. HABBA: That is, frankly, the only thing I | | 21 A I didn't want to go to the White House. | |
| 22 asked. "Did you say that in this article," period. | | 22 Q My question to you was after Mr. Trump was elected as | |
| 23 Q You said "yes, correct." Just so we are clear we have | | 23 president, you expected to be given a position in the White | |
| 24 an answer, can I have a readback? | | 24 House; is that correct? | |
| 25 THE COURT: Did you say "yes" that you said this to | | 25 A I received the position that I had asked for. | |
| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2355 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2357 |
| 1 the reporter? | | 1 Q But you thought you were going to be named chief of | |
| 2 THE WITNESS: Yes, I did. | | 2 staff? | |
| 3 THE COURT: You have to say it into the microphone. | | 3 A No, I did not. It was a joke that went along because | |
| 4 THE WITNESS: I did. | | 4 of my relationship to Mr. Trump. I asked for and I received | |
| 5 Q Mr. Cohen, you frequently defended Mr. Trump and stated | | 5 from Mr. Trump the position of personal attorney to President | |
| 6 that he was the only one person who -- "person that could make | | 6 Donald J. Trump. | |
| 7 America great again"? | | 7 MS. HABBA: Okay. I would like to pull up D58-3, | |
| 8 A Again, 2015? | | 8 please. | |
| 9 Q No, 2016. | | 9 Q Mr. Cohen, was your home raided by the FBI? | |
| 10 A Yes. | | 10 A Yes, it was. | |
| 11 Q Did you do it in 2015, too? | | 11 Q When the FBI raided your home, did they take your | |
| 12 A I did. | | 12 phone? | |
| 13 Q Okay. Do you remember Tweeting, "Thank you and believe | | 13 A They took both of my phones. | |
| 14 wholeheartedly that only Trump will make America great again on | | 14 Q Okay. And were a series of text messages attached as a | |
| 15 July 13, 2016"? | | 15 memo in opposition to a motion to reduce your sentence? | |
| 16 A Off the top of my head, no, I don't recall that. | | 16 A I don't even know what you're talking about. | |
| 17 MS. HABBA: If we pull up the Tweet from July 13, | | 17 Q Okay. I'll represent to you that this is part of a | |
| 18 2016. | | 18 docket number 1:18-CR-602. It is on the screen. It's in the | |
| 19 Q Mr. Cohen, is that your handle on Twitter or what is | | 19 court docket as 58-2. It is United States vs. Cohen. This is a | |
| 20 now X? | | 20 printout attached to a memo that was submitted by the government | |
| 21 A Yes. | | 21 with text messages from your cellphone that they seized by a | |
| 22 Q It is dated July 13, 2016, correct? | | 22 subpoena and search warrant. Do you recognize that? | |
| 23 A Yes. | | 23 A I don't. | |
| 24 Q 6:15 a.m.? | | 24 Q Okay. Well -- | |
| 25 A That's what it says. | | 25 MS. FAHERTY: Your Honor, I am just going to put an | |

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| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2358 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2360 |
| 1 objection on the record to this. It might be premature, but 2 I'm going to state my objection now. It just seems like 3 we're delving in a trial within a trial within a trial and 4 re-litigating issues in the Southern District case. I'm 5 noting my objection to this exhibit coming in. | | 1 you keep interrupting me which frankly, I have not done to 2 you and had courtesy with you, which I'm getting a little 3 frustrated. But I understand you don't like some of this 4 testimony, so if you like, we can finish, and I can make a 5 ruling, but you keep interrupting me. | |
| 6 MS. HABBA: This has nothing to do with that. 7 THE COURT: Overruled without prejudice. 8 MS. HABBA: Thank you, Your Honor. | | 6 THE COURT: Remember, everybody, there's no jury 7 here. 8 MS. HABBA: I understand, but Your Honor -- 9 THE COURT: Nobody is interrupting you 10 particularly. I'm just telling everyone. | |
| 9 Q If you see -- 10 MS. HABBA: Can you blow up the text messages here. 11 Thank you. 12 Q It states, "Person 4, Cohen or Powell, will be chief of 13 staff. Cohen, that's you, that's your text message. Neither. 14 Person 4, who then? Now this is you. Really, question mark. 15 Person 4, if Powell, she'd be the first woman." Again, they 16 say, "not Jared. Too close." Not Jared, you're speaking 17 about -- I assume that's Jared Kushner? 18 A Again, I don't recognize this document. No, I don't. 19 Q This is from the FBI when they seized your phone. 20 A Okay. 21 Q Cohen really -- 22 A Who's Person 4? 23 Q I don't know and it is irrelevant quite honestly. 24 A Well, it's not irrelevant. 25 Q Okay. Is your name Cohen? | | 11 MR. KISE: Unfortunately, there isn't. 12 THE COURT: So you don't ordinarily have juries 13 maybe. 14 MR. KISE: Your Honor, as to this document, again, 15 it's impeachment. It goes to credibility. We're certainly 16 entitled to explore all the many ways in which this witness 17 has twisted, moved, shifted very -- you know -- so that's 18 all we're doing and I think that's appropriate. 19 THE COURT: Objection overruled. Just go ahead. 20 MS. HABBA: Thank you. If we could scroll down. 21 Thank you. 22 Q Person 4 states, "not Ivanka, too close. You state, 23 keep guessing, dopey. Person 4, stop. You, question mark." 24 Then you state, "I will give you a hint... yes." 25 Do you see that, Mr. Cohen? | |
| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2359 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2361 |
| 1 A That is my name. 2 MS. FAHERTY: Your Honor, again, I'm going to state 3 my objection. 4 THE COURT: Give me your best shot. What's your 5 best objection? 6 MS. FAHERTY: First of all, we've already had 7 testimony from the witness saying he does not recognize this 8 document. We have log entries here indicating that there is 9 a Person-4. Based on Ms. Habba's representation, is she 10 asking the Court to accept the statements of these 11 outside-of-the-court persons or Person 4 for the truth of 12 the matter asserted? 13 There's inherent hearsay problems with this 14 document. And again, I think we're devolving into a trial 15 of what? How is it relevant to the matters at hand, Your 16 Honor? So again, I note my objection to this document, 17 please. 18 THE COURT: Any response, Ms. Habba? 19 MS. HABBA: Motive, Your Honor, motive and 20 credibility. And I will show Mr. Cohen's comments and the 21 only comments that are relevant are Mr. Cohen's comments. 22 These are his text messages. It was submitted on the docket 23 by the FBI. It is unsealed. There is no question of that. 24 Unless you're -- it is not hearsay. 25 I'm -- if you let me finish, I can get to it, but | | 1 A I see that. 2 Q Okay. The person responds, "Oh, my God. Please be 3 true. Are you serious. You need to." And then you say -- 4 A That's why Person No. 4 is important to know what it 5 is. 6 Q Mr. Cohen, I'm not finished. 7 THE WITNESS: Sorry, Your Honor. 8 Q You state, "He needs to ask." Do you see that? 9 A I see that. 10 Q Okay. So in your -- first of all, I'd like to submit 11 this into evidence. It has already been on the docket, as I 12 said, in 1:18 CR-602, D958-3. 13 THE COURT: Hearsay. An out-of-court statement 14 being introduced to prove the truth of its contents -- are 15 you introducing it to prove the truth of its contents? 16 MS. HABBA: I'm proving it to impeach the witness 17 who stated that he did not want that job. So the truth of 18 the contents is yes, he stated in a text that he wanted that 19 job. Solely to Mr. Cohen, Your Honor. 20 THE COURT: You know, I try to use commonsense when 21 I'm applying rules. Objection overruled. It's in. I find 22 enough of a foundation has been laid. 23 MS. HABBA: Thank you very much, Your Honor. 24 Q And you were never given a position in the White House, 25 were you, Mr. Cohen; yes or no? | |

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| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2362 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2364 |
| 1 A I was given the position -- | | 1 you do." Do you read that? | |
| 2 Q Yes or no? | | 2 A Yes. | |
| 3 A -- that I asked for. There was no shame in being | | 3 Q Were those your words? | |
| 4 personal attorney to the president. | | 4 A My words. | |
| 5 Q We'll get to that, but my question is were you given a | | 5 MS. HABBA: I would like to admit Disloyal 341 into | |
| 6 position in the White House? | | 6 evidence, please. | |
| 7 A I didn't ask for a position. | | 7 THE COURT: Granted. It is in. | |
| 8 THE COURT: No. No. You have to answer the | | 8 (Whereupon, the Document was marked in evidence as | |
| 9 question. | | 9 Plaintiff's Exhibit 341.) | |
| 10 THE WITNESS: It's a question I -- I don't know | | 10 MS. HABBA: Thank you. | |
| 11 how I'm going to be given it if you don't ask for it. | | 11 Q Back when you acted as personal counsel to President | |
| 12 THE COURT: Hold on. | | 12 Trump, you launched a personal company known as Essential | |
| 13 Q Okay. | | 13 Consultants, LLC as a way of cashing in on your relationship | |
| 14 THE COURT: Hold on. I don't know whether special | | 14 with the President of the United States; isn't that correct? | |
| 15 counsel or counsel to the president or personal counsel -- I | | 15 A No, that's not correct. | |
| 16 don't know whether that's in or out of the White House, but | | 16 Q That's not correct. Okay. | |
| 17 you know, other than that, you have to answer the question. | | 17 MS. HABBA: Let's turn to page 341 again. | |
| 18 If you don't know whether your job was in or out of the | | 18 Q It is up. Take a minute to read it. Let me know when | |
| 19 White House, say that; but, otherwise, you were or you | | 19 you're ready. | |
| 20 weren't. | | 20 (Witness reviewing document.) | |
| 21 Q Mr. Cohen, did you ever go to the White House as a | | 21 Q "After the election, I set myself up in a New York | |
| 22 position as an employee for the President of the United States | | 22 office of Squire Patton Boggs"? | |
| 23 Donald Trump? | | 23 A I don't see where you are. | |
| 24 A No. | | 24 Q At the top, it is highlighted. "A top-tier law firm | |
| 25 Q Thank you. | | 25 located at Rockefeller Plaza as a strategic alliance which | |
| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2363 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2365 |
| 1 Around that same time, you found other ways to | | 1 really meant the partners could brag to their clients that the | |
| 2 personally benefit from your relationship with Mr. Trump, | | 2 personal attorney to the President of the United States, | |
| 3 correct? | | 3 President Trump, was part of their outfit. I was also using my | |
| 4 A I'm sorry. And what time frame are you referring to? | | 4 company Essential Consultants to take on clients like AT&T, | |
| 5 Q When the president or -- when Mr. Trump became | | 5 Novartis, Columbus Nova and BTA Bank, high-level companies | |
| 6 President Trump, you found ways to benefit from your | | 6 desperate for insights and connections to the President and | |
| 7 relationship with Mr. Trump, didn't you? | | 7 willing to pay for their assistance." | |
| 8 A Yes. | | 8 Did you read that? | |
| 9 Q In fact, didn't you candidly admit that you previously | | 9 A You read it. | |
| 10 cashed in on your relationship with President Trump? | | 10 Q Did you read it? | |
| 11 A I don't know where you are referring to. | | 11 A I wrote it. | |
| 12 MS. HABBA: Could you, please, pull up Disloyal at | | 12 Q Correct. You wrote it. So those are your words, | |
| 13 page 341. | | 13 right, Mr. Cohen? | |
| 14 Q Mr. Cohen, did you write a book entitled, "Disloyal"? | | 14 A Yes, those are my words. | |
| 15 A I did. | | 15 Q So when you said you didn't -- my question to you was | |
| 16 Q Is this -- does this appear to be what was the cover | | 16 did you launch a company known as Essential Consultants as a way | |
| 17 that was just up from Disloyal? | | 17 of cashing in on your relationship with the President of the | |
| 18 A I'm sorry? | | 18 United States? You did, didn't you, Mr. Cohen? | |
| 19 MS. HABBA: Can you go back, please. You just had | | 19 A Again, no. | |
| 20 the cover up. | | 20 Q You -- | |
| 21 Q Is that your book? | | 21 A Let me explain. | |
| 22 A That is. | | 22 Q It is a yes-or-no question, Mr. Cohen. | |
| 23 Q Okay. Can you, please, turn to page 341. Can you read | | 23 A There is no -- | |
| 24 the part where it says -- the second red box, "Was I cashing in | | 24 THE COURT: You can explain on re-direct. | |
| 25 on my relationship with Trump? Of course, I was. What would | | 25 MS. HABBA: Thank you. | |

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| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2366 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2368 |
| 1 Q And didn't you primarily use this company to secure 2 lucrative clients that were "desperate" for connections to 3 President Trump such as AT&T, Novartis, Columbus Nova and BTA 4 Bank? | | 1 A Not all my animosity. 2 Q But despite your animosity, you continue to financially 3 benefit from President Trump, don't you? | |
| 5 A Insights and connections, yes. 6 Q I'm sorry. What was that word that you said? 7 A Insights and connections. 8 Q You're reading that from your book? 9 A Correct. | | 4 A No. 5 Q No? 6 A No. 7 Q Since your release from prison, Mr. Cohen, your career 8 has shifted from the practice of law towards entertainment and 9 media; isn't that correct? | |
| 10 MR. HABBA: Okay. I would like to submit Disloyal, 11 page 344 -- 341, excuse me, into evidence. 12 THE COURT: Granted. It is in evidence. 13 MS. HABBA: Thank you. 14 (Whereupon, the Document was marked in evidence as 15 Plaintiff's Exhibit 341.) 16 Q And Essential Consulting ultimately received payments 17 of more than \$4 million; isn't that correct? 18 A Correct. 19 Q Similarly, didn't you also enter into a strategic 20 alliance with Squire Patton Boggs where you were paid half a 21 million dollars annually to further capitalize on your 22 relationship again with President Donald Trump? 23 A As well as my other relationships, yes. 24 Q That was not the question. Your book that we just had 25 up said Squire Patton Boggs wanted a relationship with you | | 10 A Can you define "entertainment and media"? | |
| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2367 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2369 |
| 1 because of President Trump, did it not? 2 A It did. 3 Q Okay. And the purpose of this strategic alliance was 4 that -- so that the partners of Squire Patton "brag to their 5 clients that the personal attorney to the President of the 6 United States was part of their outfit." Didn't you say that? 7 A I said that. 8 Q And today, you have significant animosity towards 9 President Trump, don't you? 10 A Do I have animosity towards him? Yes. 11 Q That was the question. 12 A Yes, I do. 13 Q Yes, you do. 14 In fact, you often go on social media, don't you, 15 stating all of your animosity? 16 A I use social media. 17 Q That wasn't my question. 18 MS. HABBA: Can you, please, read back the 19 question. 20 THE COURT: Read back, please. And his response 21 was not responsive. It did not answer the question. 22 MS. HABBA: Thank you. 23 THE COURT: Readback. 24 (Whereupon, the requested portion of the record was 25 read back.) | | 1 and I were involved in? 2 A I was a subpoenaed witness, yes. 3 Q You remember that I deposed you, correct? 4 A I remember. 5 Q This is a copy of the transcript from that deposition. 6 Just to lay a foundation, index number 24973/2015. Galicia vs. 7 Donald Trump. The date on that is May 9, 2022. Do you see 8 that? 9 A I see that. 10 Q And the time was 10:11. It was the deposition of 11 non-party witness Michael Cohen. Do you see that? 12 A I do. 13 Q It was held at Belkin Burden Goldman in New York and I 14 deposed you at that time. Do you remember that? 15 A I recall. 16 MS. HABBA: If you could please switch to 103:19. 17 THE COURT: Five-minute warning. 18 MS. HABBA: Thank you, Your Honor. 19 Q My question: 20 "What do you do for to raise money?" 21 You said, "You mean for a living?" 22 I said, "Yes." 23 You said, "Yes. I'm writing a second book which will 24 be called The Department of Injustice. I have a podcast 25 called Mea Culpa, top 50 podcast in the country. I am also | |

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| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2370 | M. Cohen - Plaintiff - cross (Habba) | Page 2372 |
| 1 now placing them on YouTube and I also have on YouTube | | 1 THE COURT OFFICER: All rise. Part 37 is back in | |
| 2 Michael Cohen Reacts which is I react to the news of the | | 2 session. Please be seated and come to order. | |
| 3 day or something that I find interesting in the news." | | 3 THE COURT: Ms. Habba, before you take -- the | |
| 4 And my question was: | | 4 lectern has nothing do with you, but sometime prior to | |
| 5 "What do you find interesting in the news, Mr. Cohen?" | | 5 today, I think it was about a week ago -- no, two or three | |
| 6 You said, "Everything." | | 6 weeks ago -- | |
| 7 And I said, "Let's"-- "Now, let's go one by one. Mea | | 7 (Whereupon, there is a pause in the proceedings.) | |
| 8 Culpa is the podcast, correct?" | | 8 THE COURT: Withdrawn. Let's start from scratch. | |
| 9 You said, "Correct." | | 9 Towards the very start of this trial, defendant | |
| 10 "What do you discuss on Mea Culpa?" | | 10 Donald J. Trump posted on his social media account or one of | |
| 11 Your response, "Politics, sometimes cult deprogramming, | | 11 them, I think it was Truth Social, defamatory, disparaging, | |
| 12 various different issues." | | 12 completely untrue statements about the law clerk sitting to | |
| 13 "Do you discuss any of the defendants in this case on | | 13 my right. I asked that they be taken down. | |
| 14 Mea Culpa?" | | 14 I was told ten minutes later they were taken down; | |
| 15 Your response was, "I do." | | 15 turns out they weren't. They remained online and were | |
| 16 "Who would that be," I asked. | | 16 e-mailed to thousands of people. I don't remember exactly | |
| 17 "Former President Donald Trump." | | 17 how many. They were online for I believe it was 17 days. | |
| 18 And I asked you how frequently just as I'm asking | | 18 At that point when I was alerted to it, I issued a | |
| 19 you today. | | 19 limited gag order and told Counsel, the parties, that I was | |
| 20 "How frequently do you discuss former President Donald | | 20 forbidding -- this is a quote, "All parties from posting, | |
| 21 Trump?" | | 21 e-mailing or speaking publicly about any members of my | |
| 22 Your response said, "Every podcast at some point has | | 22 staff," unquote. | |
| 23 him included in it." | | 23 I am very protective of my staff, as I believe I | |
| 24 Do you see that, Mr. Cohen? | | 24 should be. We all know that we are in what I called at some | |
| 25 A I do. | | 25 point, an overheated environment. I don't want anybody | |
| | Page 2371 | M. Cohen - Plaintiff - cross (Habba) | Page 2373 |
| 1 Q Okay. So when I asked you do you discuss President | | 1 killed. | |
| 2 Trump every time you are on your podcast or social media, you | | 2 It was just brought to my attention that the | |
| 3 said -- let me just ask the question. | | 3 Associated Press reported, I wasn't there, this is the | |
| 4 Do you recall that you said that every podcast at some | | 4 Associated Press, that Mr. Donald J. Trump just stated the | |
| 5 point has included Donald Trump? | | 5 following to the press outside the courtroom: | |
| 6 A I said it, yes. | | 6 "This judge is a very partisan judge with a person | |
| 7 Q Thank you. | | 7 who is very partisan sitting alongside him, perhaps even | |
| 8 MS. HABBA: Your Honor, this might be a good | | 8 much more partisan than he is." | |
| 9 stopping point. | | 9 Now, it's very easy for the public, for anyone to | |
| 10 THE COURT: Okay. Just to make it simple, let's | | 10 know who that person is. | |
| 11 all be back at 11:45. | | 11 MS. HABBA: Your Honor, sorry -- | |
| 12 (Whereupon, a recess was taken.) | | 12 MR. KISE: Let me -- I hate to interrupt. | |
| 13 (Continued on the next page.) | | 13 THE COURT: No, don't interrupt me. I'll give you | |
| 14 | | 14 plenty of time. | |
| 15 | | 15 MR. KISE: Okay. I think you're under a | |
| 16 | | 16 misapprehension. | |
| 17 | | 17 THE COURT: All right. You'll correct me. | |
| 18 | | 18 MR. KISE: Fair enough. | |
| 19 | | 19 THE COURT: The last time that this gag order was | |
| 20 | | 20 violated by the incorrect statement that the post had been | |
| 21 | | 21 taken down it was actually copied to another post but that | |
| 22 | | 22 wasn't taken down. I accepted the explanation that it was | |
| 23 | | 23 inadvertent, I imposed a minimal fine. This recent | |
| 24 | | 24 statement, assuming the Associated Press is correct, | |
| 25 | | 25 obviously was intentional. | |

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| M. Cohen - Plaintiff - cross (Habba) | Page 2374 | M. Cohen - Plaintiff - cross (Habba) | Page 2376 |
| <p>1 I stated the last time that a -- any future 2 violations would be severely punished.</p> <p>3 I will now give Mr. Kise or anyone else who wants 4 to a chance to respond. And, again, I'll ask the question 5 why should there not be severe sanctions for this blatant, 6 dangerous disobeyal of a court order.</p> <p>7 MR. KISE: Your Honor, my understanding of what he 8 said and the way I understood it and I believe Mr. Trump 9 will tell you I believe he's talking about Michael Cohen 10 sitting next to you who is even more partisan -- I mean, his 11 whole commentary out there related to Michael Cohen and his 12 credibility as a witness and so forth. We're certainly well 13 aware of the order, so that's the way I took the statement 14 and I believe that's the way it was intended, but I'll -- I 15 don't want -- I don't know any other way to say it but that.</p> <p>16 THE COURT: Well, can we ask Mr. Trump to whom he 17 was referring?</p> <p>18 MR. KISE: I have asked him. I mean, if you'd like 19 to ask him, I have asked and that is exactly what he said 20 because he's tired of listening. I don't want to go on a 21 speech. He's tired of listening to what he's hearing and 22 it's very partisan and you know the rest.</p> <p>23 THE COURT: Sitting alongside of him. The person 24 sitting alongside of me the way I would normally interpret 25 those words is my principal law clerk. There is a barrier</p> | Page 2374 | <p>1 MS. HABBA: Thank you. 2 (Whereupon, the witness enters the courtroom and 3 approaches the witness stand.)</p> <p>4 CONTINUED CROSS EXAMINATION</p> <p>5 BY MS. HABBA:</p> <p>6 Q Mr. Cohen, you didn't speak to anybody during your 7 break, your attorney or anybody from the Attorney General's 8 Office, did you?</p> <p>9 A I spoke to my attorneys.</p> <p>10 Q Did you speak to them about your testimony?</p> <p>11 A No.</p> <p>12 Q Did you speak to them about this case?</p> <p>13 A No.</p> <p>14 Q Okay. You understand that you're still under oath, 15 correct?</p> <p>16 A Correct.</p> <p>17 Q Okay. Where we left off I was asking you if you made a 18 career out of publicly attacking my client, President Trump. 19 Do you recall that?</p> <p>20 A I recall it.</p> <p>21 Q And do you make a career out of publicly attacking 22 President Trump?</p> <p>23 A No.</p> <p>24 Q Do you admit that Mea Culpa, your podcast, is 25 substantially focused on President Trump?</p> | Page 2376 |
| M. Cohen - Plaintiff - cross (Habba) | Page 2375 | M. Cohen - Plaintiff - cross (Habba) | Page 2377 |
| <p>1 between me and the witness stand. We know from this trial 2 and from our lives that language is sometimes precise and 3 sometimes not very precise, sometimes ambiguous and not 4 clear. Seemed clear to me, but I understand that could be 5 interpreted another way. I'll take the whole matter under 6 advisement. Let's not spend anymore time on this. Let's 7 move ahead with the trial.</p> <p>8 MS. HABBA: Your Honor, are we on the record?</p> <p>9 THE COURT: If we want to be.</p> <p>10 MS. HABBA: I also want to put on the record 11 obviously we have a lot of press and media here. They 12 couldn't hear past there. It was brought to my attention 13 and evidently the feed -- the tech team just informed me the 14 feed was also not being circulated, which obviously as you 15 know this is a very heavily press-covered matter and given 16 that I'm President Trump's lawyer I do think that's 17 unfortunate and unfair.</p> <p>18 THE COURT: And, of course, I'm sorry for that, of 19 course, and it's very unfortunate.</p> <p>20 THE COURT OFFICER: Is the judge ready for the 21 witness?</p> <p>22 THE COURT: Yes.</p> <p>23 THE COURT OFFICER: Witness entering.</p> <p>24 THE COURT: Okay. Let's continue with the cross 25 examination of Michael Cohen.</p> | Page 2375 | <p>1 A Can you define "substantially?"</p> <p>2 Q Sure. Earlier we read a transcript of your words where 3 you say that you speak about President Donald Trump every 4 episode of your podcast; is that correct?</p> <p>5 A I said that.</p> <p>6 Q Okay. Do you speak about Donald Trump every day that 7 you have a podcast? Does it always mention President Trump?</p> <p>8 A Yes.</p> <p>9 Q Thank you.</p> <p>10 A And you authored two books that discuss and are 11 primarily focused on President Trump. Isn't that correct?</p> <p>12 A No.</p> <p>13 Q No? Okay.</p> <p>14 MS. FAHERTY: Is that a question?</p> <p>15 Q Mr. Cohen, is this one of your books?</p> <p>16 A Yes.</p> <p>17 Q I'm holding up "Revenge." Do you read that the cover 18 says "Donald Trump" on it? Is his name on the cover?</p> <p>19 A It is.</p> <p>20 Q Thank you.</p> <p>21 Q Did you write another book called "Disloyal?"</p> <p>22 A I did.</p> <p>23 Q Does that also reference Donald J. Trump on the cover?</p> <p>24 A It does.</p> <p>25 Q And it does that because you make money off President</p> | Page 2377 |

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| M. Cohen - Plaintiff - cross (Habba) | Page 2378 | M. Cohen - Plaintiff - cross (Habba) | Page 2380 |
| 1 Trump. Isn't that correct, Mr. Cohen? | | 1 substantial part your criticism of President Trump; correct? | |
| 2 A I made money off the story. | | 2 A No. | |
| 3 Q And who is the story about? | | 3 Q No. But you said yes when I asked you prior, isn't | |
| 4 A "Revenge" is about me. | | 4 that correct? | |
| 5 Q You're -- I'm not done with my question. | | 5 A No. You said it. | |
| 6 A Sorry. | | 6 Q Okay. Let me pull up your words then, Mr. Cohen. | |
| 7 Q Who is the story about, Mr. Cohen? | | 7 MS. HABBA: Can you please pull that back up again? | |
| 8 A Which book? | | 8 Q Do you remember I went through this Galicia testimony? | |
| 9 Q Mr. Cohen, do you make money off President Trump's | | 9 A I apologize. I thought you were asking about the | |
| 10 name? | | 10 testimony, not about the Galicia. I really need you to be | |
| 11 A Yes. | | 11 specific what you're talking about. I'm very confused right | |
| 12 Q Thank you. | | 12 now. | |
| 13 Did you receive an advance for "Disloyal?" | | 13 Q When I asked you if you substantially discuss President | |
| 14 A No. | | 14 Trump on Mea Culpa, your podcast, is the answer yes or no? | |
| 15 Q No? | | 15 A I said to you I speak about Mr. Trump. He is the | |
| 16 A No. | | 16 frontrunner of the Republican party and he's in the -- | |
| 17 Q Do you make money from "Disloyal?" | | 17 THE COURT: That more than answers the question. | |
| 18 A Yes. | | 18 Just answer the question. | |
| 19 Q How much is in your best estimation have you derived | | 19 Q How much income do you make from the podcast? | |
| 20 from your book "Disloyal?" | | 20 A Again, going into privacy. It's irrelevant. | |
| 21 A I don't recall. | | 21 THE COURT: Is there an objection by the Attorney | |
| 22 Q You don't recall how much money you made from your | | 22 General? | |
| 23 book? | | 23 MS. FAHERTY: I'll object, Your Honor. | |
| 24 A No. | | 24 A Thank you. | |
| 25 Q Do you put your income from your book on your returns, | | 25 MR. KISE: What would the basis be? | |
| M. Cohen - Plaintiff - cross (Habba) | Page 2379 | M. Cohen - Plaintiff - cross (Habba) | Page 2381 |
| 1 your tax returns? | | 1 THE COURT: Relevance. | |
| 2 A Yes. | | 2 MS. FAHERTY: What is the relevance here? He has | |
| 3 Q Do you know how much money you make annually, | | 3 admitted he made income. | |
| 4 Mr. Cohen? | | 4 THE COURT: Overruled. | |
| 5 A I do. | | 5 MS. FAHERTY: Thank you. | |
| 6 Q And how much is that? | | 6 THE COURT: I think there is a question of motive, | |
| 7 THE WITNESS: I'm sorry, Your Honor. It's -- it's | | 7 etc. | |
| 8 private. I'm not going into my -- | | 8 MS. HABBA: Thank you, Your Honor. | |
| 9 THE COURT: I think in the abstract it's | | 9 Q Please answer the question, Mr. Cohen. | |
| 10 irrelevant. | | 10 A Which podcast? | |
| 11 MS. HABBA: Okay. | | 11 Q Let me ask you a different question. | |
| 12 Q Is your money from "Disloyal" on your returns? | | 12 How many podcasts do you have? | |
| 13 A Yes. | | 13 A Two. | |
| 14 Q Do you make income from "Disloyal," from selling the | | 14 Q What are the names of your podcast? | |
| 15 book? | | 15 A Mea Culpa. | |
| 16 A Not anymore. | | 16 Q Right. | |
| 17 MS. FAHERTY: Asked and answered. | | 17 A And the other one is a live YouTube. | |
| 18 Q Do you make money from your other book? | | 18 Q Is the live YouTube? | |
| 19 A "Revenge?" | | 19 A Called Political Beatdown. | |
| 20 Q Yes. | | 20 Q It's called what? | |
| 21 A Yes. | | 21 A It's called Political Beatdown. | |
| 22 Q Okay. Did you get an advance for that book? | | 22 Q Political Beatdown. | |
| 23 A No. | | 23 And your affiliation with politics is because of my | |
| 24 Q No. | | 24 client sitting right here, isn't that correct? | |
| 25 And you also have a podcast dedicated to discussing in | | 25 A No. | |

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| M. Cohen - Plaintiff - cross (Habba) | Page 2382 | M. Cohen - Plaintiff - cross (Habba) | Page 2384 |
| 1 Q Were you involved in politics before President Trump 2 became president? | | 1 THE COURT: I believe those are the exact words, 2 but just -- we need a read back. | |
| 3 A In 1987 and 1988 I worked for Congressman Joe Moglia. 4 I've also been on other finance committees with Alan Hevesi and 5 other politicians throughout the years. | | 3 A I disagree. | |
| 6 Q Do you talk about them on the two podcasts that you 7 just mentioned, Mr. Cohen? | | 4 THE COURT: Hold on. We're going to get a read 5 back. Sorry. | |
| 8 A They're not relevant right now. | | 6 (Whereupon, the requested portion of the 7 proceedings was read back by the court reporter.) | |
| 9 Q That wasn't the question. Yes or no? | | 8 THE WITNESS: I disagree. | |
| 10 A The answer is no. | | 9 Q Do you have a law license? | |
| 11 Q That's what I thought. | | 10 A Not anymore. | |
| 12 So then you don't talk about anybody but President 13 Trump when you're speaking about politics and that's how you 14 make your money, isn't it, Mr. Cohen? | | 11 Q Your primary form of income is because you speak about 12 President Trump; correct? | |
| 15 THE COURT: Please no comments on the answers. 16 "That's what I thought." No. Just questions, answers. | | 13 A It's asked and answered already. | |
| 17 MS. HABBA: Sure, Your Honor. | | 14 Q I'm asking you a question. | |
| 18 Q So you can't as you sit here today tell me how much 19 money you make off of the fact that you worked with President 20 Trump; correct? | | 15 THE COURT: It was asked and answered, so -- and 16 there is an objection. | |
| 21 A Correct. | | 17 MS. HABBA: No problem, Your Honor. Let me 18 rephrase. | |
| 22 Q But you make money off of President Trump; correct? | | 19 Q The more outrageous your stories are about President 20 Trump the more money you make. Is that accurate, Mr. Cohen? | |
| 23 A Correct. | | 21 A No. | |
| 24 Q And you also sell merchandise off of President Trump, 25 don't you? | | 22 Q If you didn't work for President Trump you wouldn't 23 make most of your income today. Isn't that true, Mr. Cohen? | |
| M. Cohen - Plaintiff - cross (Habba) | Page 2383 | M. Cohen - Plaintiff - cross (Habba) | Page 2385 |
| 1 A Yes. | | 1 is from talking about President Trump; correct? Yes or no? | |
| 2 Q And that makes you money, doesn't it, Mr. Cohen? | | 2 A Again, you're not providing the time frame. You keep 3 going back and forth. Currently that is a correct answer. | |
| 3 A It makes money. | | 4 Previously you're assuming that I can go back in time when I had 5 multiple real estate buildings and other assets before my 6 five-year scenario that's been taking place, so I don't 7 understand your question. There is no beginning, there is no 8 end to it. | |
| 4 Q Outside of your two podcasts or one YouTube as you 5 called it, your merchandise and your books, is there any other 6 form of income that is greater in your life personally? | | 9 Q Because you wouldn't give me -- let me look at last 10 year's tax return. | |
| 7 A No. | | 11 Last year you filed a tax return; correct? | |
| 8 Q Thank you. | | 12 A Correct. | |
| 9 MS. HABBA: Sorry to thank him. Not thank you. | | 13 Q Okay. That tax return had your income on it, we hope; | |
| 10 THE COURT: Well, "thank you" is not so bad. It's 11 polite; "okay" is borderline. Anything else, no. | | 14 correct? | |
| 12 Q And you've also been invited on numerous media outlets 13 to discuss President Trump, isn't that correct? | | 15 A Correct. | |
| 14 A What time period are you referring to? | | 16 Q Okay. And allegedly you had put all of your income on 17 that return; correct? | |
| 15 Q Since you started working for President Trump since you 16 -- he became the president you go on TV to discuss him 17 frequently, isn't that true? | | 18 A Correct. | |
| 18 A Yes. | | 19 Q Okay. You had most of the income on that return 20 because of President Trump; correct? | |
| 19 Q And without stories or accusations about President 20 Trump you really don't have anything to sell, do you, Mr. Cohen? | | 21 MS. FAHERTY: Your Honor, can we move this -- can 22 we move this along? I do think the questions are a bit 23 muddled, "because of President Trump." | |
| 21 A I'm sorry what? You don't have what? | | 24 We've established he has made money in connection 25 with the work he's performed related to President Trump or | |
| 22 MS. HABBA: Can we get a read back? | | | |
| 23 THE COURT: Anything to sell, but let's get a read 24 back. | | | |
| 25 THE WITNESS: Anything to sell? | | | |

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| M. Cohen - Plaintiff - cross (Habba) | Page 2386 | M. Cohen - Plaintiff - cross (Habba) | Page 2388 |
| 1 Mr. Trump. The time period is a bit confusing. I 2 appreciate the point we're trying to make. It's a bit 3 belabored. I'm just noting my objection to how cumulative 4 this is getting. | | 1 directive not to about anything specific. 2 Q So is it your testimony that you have not promoted you 3 being here in court today? | |
| 5 MS. HABBA: All due respect, Your Honor, it's 6 because I'm not getting a yes-or-no answer to a very simple 7 question. | | 4 MS. FAHERTY: Objection. Promoted? 5 A I don't understand. 6 MS. HABBA: I'll pull up an exhibit. | |
| 8 MR. KISE: Your Honor, I don't know -- now who is 9 giving the speeches? But yes, all we're trying to get at is 10 a simple answer to a simple question. He's already 11 testified that the majority, I think, it's not clear, that 12 the majority of his current income comes from his activities 13 associated with harassing, trashing, talking about everyone, 14 you know, President Trump. So he can affirm that if it was 15 -- the question was confined to his last year's tax return 16 did most of your income come from your activities associated 17 with harassing, trashing, talking about, podcasting about, 18 whatever it's called on the Internet, about President Trump. 19 That's it. It goes to motive, it goes to bias. | | 7 Q Is it your testimony that you have not been promoting 8 the fact that you're coming here to testify against Donald Trump 9 for the Attorney General? 10 A I have tweeted about that, yes. 11 THE COURT: I'll allow that. | |
| 20 THE COURT: Maybe we can compromise here. 21 Ms. Habba, would you rather the question be last 22 year's tax return or would it be now? And then the rest of 23 it will basically be is it true that the majority of your 24 income, last year's tax return or not, is based on 25 commentary on Donald J. Trump? | | 12 Q You tweeted about it and you discussed it on your 13 podcast; correct? 14 A I have. 15 Q And during interviews on TV; correct? 16 A Correct. 17 Q And you've even stated that you intend on holding a 18 press conference after your testimony today is finished, isn't 19 that correct? 20 A I don't recall that. 21 MS. HABBA: Can we please pull up his tweet from 22 October 15th? 23 Q Mr. Cohen, we've already established that your Twitter 24 account is @MichaelCohen212; correct? 25 A Correct. | |
| M. Cohen - Plaintiff - cross (Habba) | Page 2387 | M. Cohen - Plaintiff - cross (Habba) | Page 2389 |
| 1 MS. HABBA: That's perfectly said, Your Honor. 2 I'll adopt that question, if I may. 3 THE COURT: Do you want the tax return or now? 4 MS. HABBA: Now. 5 THE COURT: Okay. Do you understand the question? 6 THE WITNESS: I understand the question. It's -- 7 the issue I have is when you say "is the majority." I speak 8 about all politicians. It's not just Mr. Trump. I speak 9 about Mark Meadows, I speak about everything that's going 10 on. I speak about Israel. I speak about many things. 11 THE COURT: Okay. Next question. 12 Q But your testimony was today that in every podcast no 13 matter who you're speaking about, Mark Meadows, no matter if 14 you're speaking about -- 15 THE COURT: Wait. Before you establish that yes, 16 he said every podcast these days he mentions Donald Trump. 17 MS. HABBA: Okay, Your Honor. 18 THE COURT: And along with what Ms. Faherty was 19 saying, I think we can move on at this point. He makes 20 money off his comments, his prior relationship to 21 Donald J. Trump. 22 Q And are you promoting your testimony here today, 23 Mr. Cohen? 24 A Am I promoting it? I will retweet something. I will 25 say I am at the trial, but I am not tweeting as per the judge's | | 1 Q And do you see that on October 15, 2023 at 8:10 p.m. 2 somebody stated -- just for their privacy I'm not going to read 3 it in -- "I can't wait to see the reaction of all the haters of 4 when you do testify... hold a press conference at the end of 5 your last day, if you can." And there are two emojis there. 6 And your response was: "I can and I will." 7 Do you see that, Mr. Cohen? 8 A I see that. 9 Q Are you going to speak to the -- 10 THE COURT: Hold on one second. 11 MS. FAHERTY: Again, I'm going to launch my 12 objection to what is clearly hearsay evidence. Ms. Habba -- 13 THE COURT: Overruled. Let's move on. 14 MS. HABBA: Thank you, Your Honor. 15 Your Honor, I'm just going to state that clearly 16 she is trying to throw me off by continuously interrupting 17 me. I would like to just continue or we're going to be here 18 all day. 19 MS. FAHERTY: And I would just ask to strike the 20 portion of the tweet that is put in front of this witness. 21 That is not his. That is not here, cannot provide any 22 testimony as to the statements asserted therein. Move to 23 strike that from the record. It is hearsay, Your Honor. 24 MR. ROBERT: Your Honor, that is absurd. Mr. Cohen 25 is giving a statement without the underlying statement which | |

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| M. Cohen - Plaintiff - cross (Habba) | Page 2390 | M. Cohen - Plaintiff - cross (Habba) | Page 2392 |
| 1 is not for the truth of the matter asserted. He's 2 responding to it. So if Ms. Habba would not have put in the 3 bottom part, the objection would have been "it's incomplete, 4 we don't know what Mr. Cohen is saying, I can and I will." 5 This is completely admissible and it should be admitted 6 without objection. | | 1 spoke to the press. 2 Q President Trump makes you relevant, doesn't he, 3 Mr. Cohen? 4 A I think the circumstances make me relevant. 5 Q The circumstances that you used to work for the 6 President of the United States who is the single most famous 7 presidential candidate in this world, you speak about him every 8 day because it makes you money, isn't that correct? | |
| 7 MS. HABBA: And it's for impeachment purposes, Your 8 Honor. 9 MS. FAHERTY: Again, she read into the record the 10 out-of-court statements of another person and as to Michael 11 Cohen's statements that is on the screen, you have admitted 12 it, you have overruled as to Michael Cohen's statement. I 13 accept that ruling by the Court, but as to Ms. Habba reading 14 into the record third party out-of-court statements, I ask 15 that they be stricken from the record. 16 THE COURT: Well, you know, it's always funny you 17 want to strike it from the record. It's only 200 people out 18 there that have heard it. 19 Well, what if we agree, for whatever it's worth, 20 that the only admissible aspects are starting with dot, dot, 21 dot, hold a press conference, etc., I can and I will. I 22 find that admissible. We will take out "I can't wait to see 23 the reaction of all the haters when you do testify." 24 MS. FAHERTY: Over my objection, but I understand. 25 THE COURT: Okay. It's in evidence other than the | | 9 THE COURT: I thought we were moving on from this 10 point. 11 MS. HABBA: Well, he's backtracking, Your Honor. 12 THE COURT: I didn't notice any backtracking. 13 MS. HABBA: I'll keep going. 14 MS. FAHERTY: Can we please stop with the 15 characterizations, Your Honor, please? 16 THE COURT: I didn't find anything objectionable 17 there. 18 Q Mr. Cohen -- 19 THE COURT: Except I didn't notice any 20 backtracking. Sorry. Let's just move ahead. The record 21 says what it says. 22 MS. HABBA: Thank you, Your Honor. 23 Q Mr. Cohen, do you sell advertisement spots? 24 A Yes, there are advertisements in the podcast. 25 Q Do you sell the advertisement spots? | |
| M. Cohen - Plaintiff - cross (Habba) | Page 2391 | M. Cohen - Plaintiff - cross (Habba) | Page 2393 |
| 1 first part. 2 Q Mr. Cohen, are you going to speak to the press outside 3 after today? 4 A I don't know yet. You're asking me to -- 5 THE COURT: The answer was "I don't know yet." 6 MS. HABBA: Okay. 7 Q Mr. Cohen, after I deposed you on other matters, did 8 you go outside and speak to the press? 9 A I did. 10 Q And sometimes when I deposed you on other matters you 11 had speeches prepared before you walked into your deposition, 12 isn't that correct? 13 A That's not correct. 14 Q That's not correct? 15 A No. 16 Q Did you speak to the press before I deposed you on the 17 Galicia matter? 18 A Yes. 19 Q Did you speak to the press when I deposed you on this 20 matter? 21 A As did you. 22 Q That wasn't my question. 23 THE COURT: Just answer the question, please. Did 24 you speak to the press? 25 THE WITNESS: Did I speak to the press, yes, I | | 1 A I don't sell them, no. 2 Q Do you make money from advertising? 3 A Good question. Yes. 4 Q And the more advertisements you sell, the more money 5 you make; correct? 6 A That's how it works. 7 Q Is that a yes, Mr. Cohen? 8 A That's a yes. 9 Q Mr. Cohen, would you disagree with the fact that the 10 only reason you are relevant in the public eye is because of 11 President Trump? 12 A No. 13 Q You take every opportunity to criticize President Trump 14 and discuss the latest Trump-related news, don't you? 15 A Along with CNN, MSNBC, Fox, ABC, CBS, NBC. He's 16 relevant in the news and that's what my podcast discusses. 17 Q You're right. President Trump is relevant in the news 18 and President Trump makes money for the news, doesn't he, 19 Mr. Cohen? 20 A I don't understand your question, "Mr. Trump makes 21 money for the news?" 22 Q Well, you sell advertising, right? 23 A For me. 24 Q Do news media sell -- 25 THE WITNESS: I'm so sorry, Your Honor. I don't | |

NYSCEF DOC. NO. 1-637
PEOPLE OF THE STATE OF NEW YORK v.
DONALD J. TRUMP, et al.RECEIVED NYSCEF 11/15/2023
MICHAEL COHEN
October 25, 2023

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| M. Cohen - Plaintiff - cross (Habba) | Page 2394 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2396 |
| 1 understand. I apologize. I'm confused by your question. | | 1 Q Mr. Cohen, did you state on January 2017, "President | |
| 2 THE COURT: Let's start again. Withdrawn, | | 2 Elect Trump has always stated how much he loves what he does. | |
| 3 whatever. | | 3 Anyone who spends more than four decades building a \$10 billion | |
| 4 MS. HABBA: Sure. Let's keep going and I'll | | 4 empire would clearly be sentimental about relinquishing | |
| 5 continue. | | 5 control," said Michael Cohen, executive VP of the Trump | |
| 6 THE COURT: And move on to another topic as soon as | | 6 Organization. "However," you said, "President Elect Trump has | |
| 7 possible. | | 7 also stated that there is nothing more important to him than | |
| 8 MS. HABBA: I can ask it in one simple question. | | 8 fixing the mistakes made by the previous administration and | |
| 9 Q Mr. Cohen, you have financial incentive to criticize | | 9 making America great again." | |
| 10 President Trump; correct? Yes or no, please? | | 10 Did you say that, Mr. Cohen? | |
| 11 A Yes. | | 11 A I believe those are my words. | |
| 12 Q Thank you. | | 12 Q Do you need me to refresh your recollection? | |
| 13 But Mr. Cohen, you never used to speak like that, did | | 13 A No. I'm looking at what it is that you put up on the | |
| 14 you? | | 14 screen. | |
| 15 THE COURT: Sustained. I don't know what the | | 15 Q So is that a yes? | |
| 16 context is. Speak like that what? | | 16 A I believe those are my words, yes. | |
| 17 MS. HABBA: I'll just ask the questions. | | 17 Q Is that a quote with your name on it, Mr. Cohen? | |
| 18 Q Mr. Cohen, do you remember in 2015 telling Politico: | | 18 A Yes. And this is from 2015 again? | |
| 19 "The fact is Mr. Trump has built a 10 billion plus empire, | | 19 Q This is from January 3, 2017, CNN. | |
| 20 employs thousands of people, has worked with many leaders around | | 20 A 2017, yes. | |
| 21 the globe successfully and is considered one of the best | | 21 Q Do you recognize that as your words? | |
| 22 negotiators in history, these are all qualifications essential | | 22 A Yes, it seems like it could be my words. | |
| 23 to being a great president." Do you recall saying that? | | 23 MS. HABBA: I would like to move into evidence this | |
| 24 A I think we already went through this. | | 24 quote. | |
| 25 Q Yes or no? Yes or no? | | 25 I don't have the number, Peter. Do you have it? | |
| Page 2395 | | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2397 |
| 1 A It's been asked and answered. | | 1 987. | |
| 2 THE COURT: I don't think that particular quote was | | 2 MS. FAHERTY: Your Honor, I'm just re-asserting the | |
| 3 -- it was? | | 3 same objection I've had. In fact, I don't even know what | |
| 4 MS. FAHERTY: I think so, Your Honor. | | 4 this document is. There's not even a title. There's not | |
| 5 MR. KISE: Is the witness now objecting? This is a | | 5 even an author. I don't know who wrote it. There's been no | |
| 6 new level of low, even for Michael Cohen. | | 6 foundation laid other than there was a statement that at | |
| 7 MS. FAHERTY: Again, if we could -- | | 7 some point was captured by someone in this article. If it | |
| 8 THE COURT: Sustained, sustained. | | 8 is as to that one statement, no objections since Mr. Cohen | |
| 9 MS. FAHERTY: Thank you. | | 9 has testified that those were his words. Otherwise, the | |
| 10 Transcript continues on the following page.... | | 10 objection remains as to the admission of this document. | |
| 11 | | 11 THE COURT: You don't want -- you don't want the | |
| 12 | | 12 document in, but the words that have been read and he said, | |
| 13 | | 13 "Yes, I could have said that," whatever -- can we just -- | |
| 14 | | 14 MS. HABBA: I could lay the foundation and clear | |
| 15 | | 15 this up, if you'd like. I don't really -- I mean, it is | |
| 16 | | 16 for impeachment purposes, number one. I asked him if he | |
| 17 | | 17 said it. He said he didn't recollect, so I brought it up | |
| 18 | | 18 and now he recognizes that he brought -- he said it, so I'm | |
| 19 | | 19 moving it into evidence. | |
| 20 | | 20 I'm not sure -- we're really going to be here all | |
| 21 | | 21 day, Ms. Faherty if this is what we are going to keep doing. | |
| 22 | | 22 It is a CNN article. Look at it. Here is the website. I | |
| 23 | | 23 don't even need the whole article in. I just asked Mr. | |
| 24 | | 24 Cohen if he said what he said and now he said, "yes." | |
| 25 | | 25 THE COURT: So, then, we don't need the article. | |

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| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2398 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2400 |
| 1 THE FOREPERSON: And we don't need -- | | 1 unless you said it was on the record, correct, or forgot to say | |
| 2 MS. HABBA: I won't move it. | | 2 that it wasn't? Isn't that how it works? | |
| 3 Q Thank you for acknowledging you said it. Moving on, "I | | 3 A Yes, that's how it works. | |
| 4 worked for Mr. Trump now for a long "— long time," you said. | | 4 Q Is that your quote, Mr. Cohen? | |
| 5 I can tell you that Mr. Trump's memory is fantastic and I never | | 5 A That would be my quote. | |
| 6 come in a situation where Mr. Trump has said something that is | | 6 Q Okay. Thank you. I don't need it into evidence. So | |
| 7 not accurate." | | 7 I'm not going to, but you know what. Actually, let's move it | |
| 8 Do you recall saying that in an interview with CNN on | | 8 into evidence. We laid the foundation anyway. I'd like to move | |
| 9 November 30, 2015, Mr. Cohen? | | 9 that into evidence, CNN article dated November 30, 2015. | |
| 10 A Can you provide me with a document? | | 10 MS. FAHERTY: Same objection and -- same | |
| 11 Q Sure. I will provide you with a document. | | 11 objection, Your Honor. | |
| 12 MS. HABBA: Can we, please, zoom out first. | | 12 THE COURT: Overruled. It's in. | |
| 13 Q Do you see the website on the bottom of this document? | | 13 MS. HABBA: Thank you. | |
| 14 Do you see that it says, "cnn.com?" I'm not going to read it | | 14 (Whereupon, the Document was marked in evidence as | |
| 15 all in, but do you see that? | | 15 Plaintiff's Exhibit 987.) | |
| 16 A I do. | | 16 Q April 15, 2011, you interviewed with ABC News and said, | |
| 17 Q It is from the CNN website? | | 17 "It's very, very surreal. I've been admiring Donald Trump since | |
| 18 A Yes. | | 18 I was in high school." | |
| 19 Q Okay. Do you see that there is a title, "Trump lawyer: | | 19 Do you remember saying that? | |
| 20 Never known him to say something inaccurate." | | 20 A You are going, again, have to refresh my memory. | |
| 21 Do you see that on the top, on the top? Do you see | | 21 Q Sure. | |
| 22 that? | | 22 MS. HABBA: Pull it up, please. | |
| 23 MS. FAHERTY: No. | | 23 Q Mr. Cohen? | |
| 24 Q No. Do you see on the top of the page that it says -- | | 24 A Yes. | |
| 25 A Yes, I see it. | | 25 Q Do you see the website on the top of this screen? | |
| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2399 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2401 |
| 1 Q Thank you. | | 1 A Yes. | |
| 2 MS. HABBA: Can you, please, go to his quote. | | 2 Q It says, "The wayback machine." You see ABC News on | |
| 3 Q Does this appear to be from the website from CNN? | | 3 the top right? | |
| 4 A It appears to be, yes. | | 4 A I do. | |
| 5 Q Okay. Do you recall saying, "I'm not so sure that | | 5 Q Okay. | |
| 6 that's true and I've worked for Mr. Trump for" "now for a long | | 6 MS. HABBA: Can you get out, please zoom out. Can | |
| 7 time," Cohen said. "I can tell you that Mr. Trump's memory is | | 7 you put in his quote and blow it up. | |
| 8 fantastic and I've never come in a situation where Mr. Trump has | | 8 Q Do you see that, again, in quotations, it has the quote | |
| 9 said something that is not accurate." | | 9 that I just read? It says, "Cohen told ABC News "and then it | |
| 10 Is that in quotations, Mr. Cohen? | | 10 states, "I've been admiring Donald Trump since I was in high | |
| 11 A That's in quote. | | 11 school. He said that when he was a young man, he read Trump's | |
| 12 Q And you understand the press, don't you, Mr. Cohen? | | 12 1987 book, "The Art of the Deal" cover to cover twice." Isn't | |
| 13 A I do. | | 13 that correct? | |
| 14 Q And if you don't speak on the record, the press can't | | 14 A Yes. | |
| 15 put you in quotes and relate it to your name. Isn't that true, | | 15 Q Do you doubt that those are your words, Mr. Cohen? | |
| 16 Mr. Cohen? | | 16 A No. | |
| 17 A For the most part, yes. | | 17 Q Did you read "The Art of the Deal" twice when you were | |
| 18 Q In fact, you used to record yourself speaking well | | 18 in high school? | |
| 19 about the president to the press sometimes, didn't you, Mr. | | 19 A No. | |
| 20 Cohen? | | 20 Q So were you lying? | |
| 21 A I don't understand your question. | | 21 A No. I read it twice when I was in college. | |
| 22 Q How often did you speak to the press when you worked | | 22 Q Oh, okay. In college. I got it. So you read, "The | |
| 23 for President Trump? | | 23 Art of the Deal" twice in college, right? | |
| 24 A Every day. | | 24 A I just answered that. | |
| 25 Q So you know that they would never put that in quotes | | 25 Q But that was before you worked for President Trump, | |

NYSCEF DOC NO. 1637
PEOPLE OF THE STATE OF NEW YORK v.
DONALD J. TRUMP, et al.RECEIVED NYSCEF 11/15/2023
MICHAEL COHEN
October 25, 2023

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| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2402 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2404 |
| 1 correct? | | 1 MS. HABBA: Sorry. | |
| 2 A Correct. | | 2 Can you blow up the portion, please. Thank you. | |
| 3 Q Did you admire President Trump in college? | | 3 Q Can you read that to yourself, so I don't have to read | |
| 4 A I did. | | 4 it again. | |
| 5 Q Okay. Let's move on. Do you recall saying, "That's | | 5 (Witness reviewing document.) | |
| 6 what people want to see, authenticity. I mean, who's smarter | | 6 Q Do you recall now saying what I read, "I think he's a | |
| 7 than Donald Trump. He's the greatest negotiator on the planet. | | 7 wonderful man. I think he's going to be an amazing president. | |
| 8 He is presidential." You said that on Sean Hannity on August 4, | | 8 The family is just, you know, fantastic." Do you remember | |
| 9 2015. Do you recall that? | | 9 saying that now? | |
| 10 A I recall that. | | 10 A I have said that. | |
| 11 Q Do you recall that you also said on Sean Hannity on | | 11 Q Thank you. | |
| 12 July 21, 2016, "I know Mr. Trump. I've stood by him shoulder to | | 12 Do you remember on April 15, 2011 in an interview with | |
| 13 shoulder for the past decade. I've seen him in action. He | | 13 ABC News saying, "I think the world of him. I respect him as a | |
| 14 knows how to build things. He knows how to fix things. He | | 14 businessman and I respect him as a boss." Do you remember saying | |
| 15 knows how to make them better. He knows people. He loves | | 15 that? | |
| 16 people. He said it himself. He's able to relate to the | | 16 A Where are you reading from? | |
| 17 plumber, to the electrician, to the laborer because that's what | | 17 Q It's not here. I'm asking you. | |
| 18 his father Fred taught him and he learned values and that's | | 18 A From where? | |
| 19 something that a lot of politicians, specifically Hillary, does | | 19 Q ABC News, April 15, 2011. | |
| 20 not have, is values." | | 20 A Again, I'll need to see something to refresh my memory. | |
| 21 Do you remember saying that to Sean Hannity? | | 21 Q Sure. Let me ask you. I'm going to move this along. | |
| 22 A If you can show me. It sounds correct. | | 22 Would it surprise you to hear that you said to Reuters on | |
| 23 Q Sure? | | 23 August 28, 2015, "Trump's lawyer, Michael Cohen, said Trump's | |
| 24 A But I don't recall that that's exactly what I said. | | 24 record of success was proof positive of Mr. Trump's character | |
| 25 Q Sure. We can show you. | | 25 and capabilities." Is that something you would say, Mr. Cohen? | |
| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2403 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2405 |
| 1 MS. HABBA: Can you pull it up? Is it a video? | | 1 A Yes. | |
| 2 We're having some technical issues. | | 2 Q Do you believe or have any reason not to believe that | |
| 3 A I'll tell you what. I'll acknowledge. | | 3 you said that to Reuters on August 28, 2015? | |
| 4 Q No, I don't want you to do that, Mr. Cohen. | | 4 A I don't know. I'd have to see the document. | |
| 5 A I will acknowledge that I did, so we can move this | | 5 Q Okay. We can pull it up. This is an article from | |
| 6 thing faster. | | 6 Reuters. You see that dated August 28, 2015 and the title is, | |
| 7 Q Did you say to Vanity Fair on September 26, 2017, "I'm | | 7 "Best President ever. How Trump's love of hyperbole could | |
| 8 the guy who protects the president and the family. I'm the guy | | 8 backfire." Do you see this? | |
| 9 who would take the bullet for the president." Did you say that? | | 9 A I do. | |
| 10 A Yes. | | 10 Q Can you, please, pull up his quote. "Trump's lawyer, | |
| 11 Q Did you say to Hannity on March 20, 2017, "I think he's | | 11 Michael Cohen, said Trump's record of success was proof positive | |
| 12 a wonderful man. I think he's going to be an amazing president. | | 12 of Mr. Trump's character and capabilities." You see that? | |
| 13 The family is just, you know, fantastic." Do you remember | | 13 A I do. | |
| 14 saying that? | | 14 MS. FAHERTY: Your Honor, didn't we do this before? | |
| 15 A I don't remember saying that. | | 15 I thought I quoted from the below line, "For Trump, | |
| 16 MR. HABBA: Do we have that one? Thank you. | | 16 exaggerating has always been a frequent impulse, especially | |
| 17 Q Do you see this is Fox News article dated March 20, | | 17 when the value of his trump brand is disputed." Can we move | |
| 18 2017? | | 18 it along? I thought we did this already. | |
| 19 A I will remain the personal attorney to Trump? | | 19 THE COURT: I believe we saw that, character and | |
| 20 Q That's right. That's what the title is. That wasn't | | 20 capabilities. | |
| 21 my question. The question is, is this dated March 20, 2017 from | | 21 MS. HABBA: Did we see this one? | |
| 22 Fox News? | | 22 MS. FAHERTY: We saw that. | |
| 23 A That's what it says. | | 23 MS. HABBA: Okay. We'll move on. | |
| 24 Q Great. | | 24 THE COURT: Ms. Habba, how much longer will we hear | |
| 25 THE COURT: Please, no comments on the answer. | | 25 this sort of -- these statements? | |

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| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2406 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2408 |
| 1 MS. HABBA: I have a ton, Your Honor, but I can 2 move it along. | | 1 the same oath that you're under now, the same oath that you were 2 under at your deposition, and the same oath that you were under 3 when you spoke to Judge Pauley, you said to the Permanent Select 4 Committee that you couldn't recall President Trump ever asking 5 you to inflate the numbers in his Statement of Financial 6 Condition. Do you remember that? | |
| 3 THE COURT: Okay. -- | | 7 A I don't. | |
| 4 MS. HABBA: Let me try -- | | 8 MS. HABBA: Let's pull it up. | |
| 5 THE COURT: They're getting cumulative. | | 9 Q Mr. Cohen, do you see this document? Please go to the 10 front page. Does it say, "Executive Session Permanent Select 11 Committee on Intelligence U.S. House of Representatives in 12 Washington DC?" | |
| 6 MS. HABBA: Sure. Give me a moment. I will move 7 it along. | | 13 A Yes, it does. | |
| 8 Q Do you recall speaking to HuffPost and saying to them 9 that "He is worth a lot, substantially more than what's recorded 10 in Forbes. They don't take into account the value of the Trump 11 brand, of the mark, one of the most valuable marks that's ever 12 been created. He has very little debt, AAA assets." Do you 13 remember saying that on April 22, 2011? | | 14 Q It does? Does it say that you were deposed? | |
| 14 A I would need to see the document. | | 15 A It says, "deposition of Michael Cohen." | |
| 15 Q Okay. Do you have any reason to believe -- I'm going 16 to try to move it along for the tech people. | | 16 Q Were you deposed? | |
| 17 Do you have any reason to believe that if they quoted 18 you as saying that, that you didn't say it? Do you have any 19 reason -- | | 17 A I was. | |
| 20 A Sorry. That's 2011? | | 18 Q Were you deposed on Thursday, February 28, 2019? | |
| 21 Q Yes. | | 19 A That's what it says. | |
| 22 A Yes. | | 20 Q Okay. At -- commencing at 9:35 a.m.? | |
| 23 THE COURT: Yes meaning -- | | 21 A Yes. | |
| 24 THE WITNESS: That I probably said it. | | 22 Q And you can see who was present there, correct? | |
| 25 THE COURT: Okay. | | 23 A Correct. | |
| | | 24 Q Do you remember this? | |
| | | 25 A I do. | |
| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2407 | M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2409 |
| 1 MS. HABBA: Okay. This will be my last one, Your 2 Honor. | | 1 MS. HABBA: Can you, please, pull up 92:6. | |
| 3 Q And in July 31, 2014, The Associated Press quoted you 4 as saying "Mr. Trump's significant wealth, name, recognition and 5 real estate knowledge makes him a viable option." Do you recall 6 saying that? | | 2 "QUESTION: Did Mr. Trump direct you or Mr. 3 Weisselberg to inflate the numbers on his personal 4 statement?" | |
| 7 A Again, I need to see the document. | | 5 Your answer, "I'm sorry." Did he ask me to inflate 6 the numbers?" | |
| 8 MS. HABBA: Can we pull up the AP document, please. | | 7 And what do you say, Mr. Cohen? | |
| 9 Do we have it? | | 8 A I stated, "not that I recall." | |
| 10 I was moving very quickly, so I feel for my tech 11 team right now. I'm not going to admit it into evidence. | | 9 Q Not that I recall. That's not all you said. | |
| 12 Q Mr. Cohen, would you doubt if the Associated Press 13 quoted you, put your words in quotes, that that was something 14 you said on the record? | | 10 A No. | |
| 15 A It's possible. | | 11 Q No. Those are your words, correct? | |
| 16 Q Do you believe the AP would do that without -- | | 12 A Those are my words. | |
| 17 A Again, I don't know. I haven't seen the document. | | 13 Q And did you say -- you don't dispute that that was 14 you, correct, in front of the committee two years after you left 15 the Trump Organization? | |
| 18 Q Okay. Let's move on. Mr. Cohen, you testified under 19 oath in your April 28, 2023 deposition that Mr. Trump tasked you 20 and Mr. Allen Weisselberg with inflating the numbers on the 21 Statement of Financial Condition to reach a certain 22 pre-determined number for his net worth, correct? | | 16 A I already stated that's my deposition. | |
| 23 A Correct. | | 17 Q So Mr. Cohen, as you sit here today, are you telling me 18 the truth and the Attorney General the truth or were you telling 19 the truth then? | |
| 24 Q But Mr. Cohen, in February of 2019, just two years 25 after leaving the Trump Organization, you testified under oath, | | 20 A I was in the camp of Donald Trump -- | |
| | | 21 Q Yes or no? It was two years after you stopped 22 working -- | |
| | | 23 A You didn't ask me a yes-or-no question. | |
| | | 24 Q Yes, I did. | |
| | | 25 A No, you didn't. | |

MICHAEL COHEN
October 25, 2023

| M. COHEN - PLAINTIFF - CROSS(MS. HABBA) | Page 2410 | Proceedings | Page 2412 |
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| 1 Q Okay, Mr. Cohen. | | 1 AFTERNON SESSION | |
| 2 MS. HABBA: Can we, please, get a readback of my | | 2 THE COURT OFFICER: All rise. Part 37 is back in | |
| 3 original statement, question? | | 3 session. The Honorable Judge Arthur Engoron presiding. | |
| 4 THE COURT: It wasn't yes or no, but it was | | 4 Make sure all cell phones are on silent. Laptops and cell | |
| 5 either/or. | | 5 phones will be permitted, but only to members of the press. | |
| 6 THE WITNESS: So, please, allow me to answer. | | 6 There is absolutely no recording or photography of any kind | |
| 7 MR. HABBA: Let me rephrase my question, Your | | 7 allowed in the courtroom. Now be seated and come to order. | |
| 8 Honor. | | 8 THE COURT: Well, at least my microphone is working | |
| 9 THE COURT: Okay. | | 9 this time. | |
| 10 THE WITNESS: Can I not answer the question that's | | 10 I want to resume the discussion about what happened | |
| 11 in front of me? | | 11 this morning when Defendant, Donald J. Trump, apparently | |
| 12 MS. HABBA: Withdrawn. | | 12 made a statement to the press referring to "the person next | |
| 13 THE COURT: Her question is withdrawn. | | 13 to me," and I'll pick up where I left off. | |
| 14 MS. HABBA: Question is withdrawn. I'm going to | | 14 Mr. Kise I believe said on behalf of Defendant | |
| 15 rephrase my question. | | 15 Trump, I'll call him, that he was referring to Michael Cohen | |
| 16 Q Mr. Cohen, were you being honest in front of the | | 16 when he said what he said about the "partisan democrat," | |
| 17 Permanent Select Committee when you testified on February 28, | | 17 etc., is that correct? | |
| 18 2019? | | 18 MR. KISE: Yes. | |
| 19 A No. | | 19 THE COURT: I'm going to hold a hearing right now | |
| 20 Q So you lied under oath in February of 2019? Is that | | 20 about that. | |
| 21 your testimony? | | 21 MR. KISE: Okay. | |
| 22 A Yes. | | 22 THE COURT: And I'll have as my -- as the first | |
| 23 Q Mr. Cohen, I just have one more question, maybe two. | | 23 witness, Defendant Donald J. Trump. | |
| 24 Did you ever ask President Trump to pardon you while he | | 24 Mr. Trump, would you like to be on the witness | |
| 25 was in the White House? | | 25 stand to testify? Come on up. | |
| | Page 2411 | Proceedings | Page 2413 |
| 1 A No. | | 1 THE COURT OFFICER: Please raise your right hand. | |
| 2 Q He didn't pardon you, did he, Mr. Cohen? | | 2 Do you solemnly swear or affirm any testimony you give will | |
| 3 A No. | | 3 be the truth, the whole truth and nothing but the truth? | |
| 4 MS. HABBA: Thank you. I'm done. | | 4 THE WITNESS: I do. | |
| 5 THE COURT: Well, we have about eight or nine more | | 5 THE COURT OFFICER: You may have a seat. | |
| 6 minutes. Re-direct? | | 6 Please state your name and either home or business | |
| 7 MR. ROBERT: Your Honor, I have cross-examination. | | 7 address on the record. | |
| 8 THE COURT: Oh, I'm sorry. | | 8 THE WITNESS: Donald John Trump, New York, the | |
| 9 MR. ROBERT: I think it may make sense to take the | | 9 Trump Organization. | |
| 10 lunch break now, so we can work out the mechanics of the | | 10 THE COURT: Mr. Trump, did you say out in the | |
| 11 microphone and we can start at 2:15. | | 11 hallway this morning, "This judge is a very partisan judge | |
| 12 MR. KISE: We may be able to streamline it as well. | | 12 with a person who is very partisan sitting alongside of him, | |
| 13 MR. ROBERT: Yes, I will be as brief as I can. | | 13 perhaps even much more partisan than he is?" | |
| 14 THE COURT: So I'm breaking until 2:15, everybody. | | 14 THE WITNESS: Yes. | |
| 15 Thank you. | | 15 THE COURT: To whom were you referring when you | |
| 16 (Whereupon, a luncheon recess was taken.) | | 16 said "the person sitting alongside of him?" | |
| 17 | | 17 THE WITNESS: You and Cohen. | |
| 18 | | 18 THE COURT: Are you sure that you didn't mean the | |
| 19 | | 19 person on the other side of me, my principal law clerk? | |
| 20 | | 20 THE WITNESS: Yes, I am sure. | |
| 21 | | 21 THE COURT: Have you in the past referred to her, | |
| 22 | | 22 my principal law clerk, as partisan, and/or partisan | |
| 23 | | 23 Democrat? | |
| 24 | | 24 THE WITNESS: Maybe unfair. I think she is very | |
| 25 | | 25 biased against us. I think we've made that clear. We put | |

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| 1 up the picture and you didn't want that up. I think they 2 got it off her website, however, so we didn't necessarily 3 agree, but -- and we did take it down, Your Honor, but we 4 have so many different sides and I believe -- and I may be 5 wrong on this, but I believe it was one of the political 6 groups or one of the pacts that had it up or left it up, but 7 I didn't knowingly do that. | | 1 don't think any of us want to go that you presupposed some 2 ill motive on behalf of the only witness. I think that's a 3 dangerous place to go, not just for the sanction, but also 4 for the whole trial. I do think there is clear separation 5 between the two. | |
| 8 THE COURT: Well, I'm more interested right now in 9 -- to whom you were referring as you can see and as everyone 10 can see, first of all, my principal law clerk is very close 11 to me. In fact, Ms. Habba would refer to the notes back and 12 forth and even the conversations, but you and I, we can see 13 each other and we're close, but not as close clearly and 14 there is a barrier between us. So wouldn't that be at best 15 somewhat ambiguous as to whom you are referring? Have you 16 also -- have you -- I know I'm doing a compound question 17 here. | | 6 I mean, the President was talking about the witness 7 on the stand. I mean, we can all agree we have different 8 views about whether it's next to you or next to you with a 9 barrier, but he's next to you. I also think that there is 10 -- respectfully, I think there is considerable tension 11 caused by at least -- and I'll let Mr. Robert speak to this. 12 It is unusual in my experience to have a law secretary, a 13 law clerk sit on the bench. I will say that. And so I 14 think that may have created some of the confusion. | |
| 18 MR. KISE: I was going to say am I allowed to 19 object to the question? | | 15 Ordinarily, in my experience, law clerks are in, 16 you know, not sitting right next to the judge on the bench, 17 but in the morning where we have a principal witness on the 18 stand who has lied, lied, lied and as I said earlier this 19 morning, I'm not going to go back into that speech, but that 20 was the focal point of the examination today, that was the 21 focal point of the animus today, that was the focal point of 22 the questions today from the media today, so I just would 23 ask you to reconsider. | |
| 20 THE COURT: Sure, it's a hearing. 21 Don't you always refer to Michael Cohen as Michael 22 Cohen? | | 24 I mean, certainly I don't want to have to file, 25 frankly, yet another appeal and I just think if you want to, | |
| 23 THE WITNESS: No. 24 MR. KISE: Many things, even worse than that. 25 MS. HABBA: Yes, Your Honor. I can confirm that, | | | |
| Proceedings | Page 2415 | Proceedings | Page 2417 |
| 1 much worse. 2 THE WITNESS: Much worse. 3 THE COURT: Would anybody else like to question the 4 witness, either from the defense or the Attorney General? 5 MR. KISE: No, Your Honor. 6 MS. HABBA: No, Your Honor. 7 THE COURT: The witness is excused. I have no 8 further questions. Thank you. 9 THE WITNESS: Thank you, sir. 10 (Whereupon, the witness is excused from the witness 11 stand.) 12 THE COURT: Thank you. 13 As the trier of fact, I find that the witness is 14 not credible; that he was referring to my law clerk, who is 15 principal law clerk, who is sitting much closer to me, who 16 doesn't have a barrier, whom I believe has been accused by 17 the defendant of being partisan or Democrat or partisan 18 Democrat. I hereby fine you \$10,000, which is on the low 19 side, to be paid within 30 days to the Lawyer's Fund for 20 Client Protection. 21 Would anybody like to say anything else? 22 MR. KISE: Your Honor, I would just object to that. 23 I mean, there is one witness on the stand, the only witness 24 on the stand. There is no evidence to the contrary other 25 than in your mind and I don't want to go to a place where I | | 1 again, warn the defendant about the responsibilities, but I 2 just don't think there is any clear record here. 3 And in order to impose sanctions generally the 4 record needs to be very clear. And see, that's what just 5 happened is kind of what is creating the issue is that like 6 I'm talking to you and the notes are being passed to you 7 about things and I think from a defendant standpoint, not 8 from a lawyer standpoint, from a defendant standpoint, that 9 creates an appearance that is uncomfortable and I think that 10 has created some of the confusion here. 11 But the President has testified that that's what he 12 said. That's what I told you before. I think that's a fair 13 interpretation of what's said and sanctions are not granted 14 when there is gray. Sanctions are reserved for situations 15 where it's a very clear situation. Last week, you exercised 16 your discretion. I didn't object to that discretion in 17 terms of what happened with the website. We explained it, I 18 gave you as much detail as the Court asked for and we have 19 since complied fully. "We" meaning the clients, have since 20 complied fully with the order. So I would just ask that we 21 don't create that -- another issue here because I think it 22 has further ramifications for the overall proceeding, 23 respectfully I do. 24 THE COURT: Just in response, I'll just say to me, 25 totally separate from the trial. I mean, if you wanted to | |

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| | | | |
| <p>1 have ramifications you can have ramifications, but I don't. 2 Mr. Robert? 3 MR. ROBERT: So, Your Honor, I will speak from my 4 experience in New York State. It is incredibly unusual and, 5 quite frankly, in my experience, I've never seen a situation 6 where you're literally trying the case to two judges it 7 would appear whereas there are notes that are constantly 8 being passed, rulings that it would appear that the Court is 9 in consultation with the law secretary. I think it started 10 out less frequently. Now I would say it's almost with each 11 ruling. There is some concern on part of defendants as a 12 result of that.</p> <p>13 I agree with Mr. Kise's statement about opposing 14 any imposition of sanctions in this case, but I do think 15 this is as good a time as any to express the defendant's 16 concern about what would appear to be the problem or the 17 challenge that we face and that we feel like we're trying 18 the case before two judges and sometimes you appear to be 19 leaning in one direction and then you'll either receive a 20 note or there will be an eye gesture or a roll of the face 21 and something changes and it is of significant concern to 22 us, not just during examination of witnesses by us, 23 examination by the Attorney General, but also in the general 24 presentation of our case here. So I just wanted to put that 25 on the record, sir.</p> | Page 2418 | <p>1 is happening from the bench is completely inappropriate and 2 should stop. Thank you. 3 MR. KISE: Can I just say one more thing, Judge? 4 THE COURT: Sure. 5 MR. KISE: Thank you. I just want to go back to 6 where I began because the record on the sanction relates to 7 what happened outside. The testimony you received in the 8 courtroom and neither of those present a clear picture of 9 the supports and award of sanctions. It's clear that it's 10 fully subject to interpretation. I think the speaker has to 11 be taken at face value as to what he was talking about and 12 the entirety of the conversation related to the testimony as 13 it usually does when these press conferences occur. They 14 usually relate to what just happened in the courtroom and 15 what is happening in the courtroom is Michael Cohen. And so 16 that's top of line. Whether you and I or anyone else would 17 agree "next to you" means next to you on the left or next to 18 you on the right, you know, everyone has a different 19 interpretation of it and because of that I would say that 20 the President's interpretation is a fair interpretation. 21 It's what he meant. He's the speaker. There is nothing in 22 the record that would refute that, so I just again would 23 urge the Court to reconsider the judgment of sanctions 24 because there is just not a clear record here. 25 If you are concerned about future violations or a</p> | Page 2420 |

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| | | | |
| <p>1 THE COURT: Okay. 2 Ms. Habba? 3 MS. HABBA: I'd just like to say as I said this 4 morning, I'm going to reiterate something. I, myself, was a 5 law clerk. I never sat next to the judge. The judge would 6 actually never even allow me to come in front unless to 7 watch oral argument, but all discussions about the case were 8 when we were researching and deciding what the order can be. 9 I've never experienced this and I've been practicing law for 10 quite sometime now, unfortunately, for my age, but, Your 11 Honor, all due respect, I agree with the sentiments. 12 I also think that we have to remember that you made 13 your decision on this trial before we walked in regarding 14 liability and we've been sitting here like he said -- and, 15 frankly, I would like to add that I've been sitting here for 16 longer than both my cocounsel. I've been doing this with 17 you for now a few years from the Special Proceeding and now 18 the trial and I have had issues, numerous issues, and if 19 we're going to make a complete record with the treatment 20 that I've received from Ms. Greenfield from the bench, it is 21 inappropriate. I do not like having eyes rolled, I do not 22 like being yelled at by law clerks who did not earn the robe 23 and I think this is completely inappropriate. 24 And, quite honestly, Your Honor, with this 25 sanction, it only furthers my belief that the influence that</p> | Page 2419 | <p>1 violation then that is within your province to direct 2 further the defendant or any of us for that matter, but I 3 would say this record does not support any sanction and I 4 would urge the Court to reconsider. 5 THE COURT: Let me address all the comments about 6 my consultations, I'll call them. I make the final 7 decisions. I value input from both of my law clerks. Every 8 judge does things differently. I don't know whether there 9 are other judges in this courtroom or city or country have 10 their law clerks sit up on the bench. That's how I do 11 things and I make the final decisions. 12 I guess I can't consult now, you know, and look 13 terrible, wouldn't it? So I won't. I am reconsidering. 14 I don't think I said this before, but the idea that 15 the statement would refer to the witness, you know, there is 16 somebody sitting up there alongside of him, that was a 17 partisan Democrat whatever, that doesn't make any sense to 18 me. 19 MR. KISE: I mean, it -- again, in context, it 20 certainly does, to me, given the circumstances and given the 21 obvious animus, the admitted animus on the witness stand 22 that Mr. Cohen has for my client. So, again, in context, I 23 just think it has to be taken that way. 24 If Your Honor would like to -- I know you want to 25 keep the schedule moving. If you want to take it under</p> | Page 2421 |

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| 1 | advisement further and reconsider, I'll just leave that to 2 you, but I just would ask that you take time and reconsider 3 this. Thank you. | 1 | THE COURT: Can you hear him in the back? |
| 4 | THE COURT: I've been thinking about it obviously 5 for quite a while now. | 2 | Yes, I think so. The mic's picking up. |
| 6 | Ms. Habba? | 3 | MR. ROBERT: And I'll speak louder. |
| 7 | MS. HABBA: The only factual thing I would like to 8 add is the questions that have been out and I have obviously 9 standing there have been related to Michael Cohen's 10 testimony as well as to political matters. That has been 11 the scope of their questions. | 4 | So the housekeeping item was Defendant's 5 Exhibit 953, which was the December 12, 2018 transcript from 6 Judge Pauly and the Defendant's Exhibit 961, which was the 7 February 28, 2019 deposition transcript. Just want to make 8 sure those are in evidence and if not, to move them in now 9 just to make things run smoother and quicker this afternoon. |
| 12 | Ms. Greenfield was never in the front of mind or 13 even asked about. So for what it's worth, Your Honor, I 14 have not heard that, nor would he be responding to that. It 15 just doesn't make sense. | 10 | MS. FAHERTY: I think, Your Honor, I believe you 11 admitted 953 over my objection and the transcript for 961 is 12 the transcript for 961. I don't have a basis to object 13 here. |
| 16 | THE COURT: I just need a little technical 17 assistance. I want to see the exact quote again. I'm 18 quoting in part, "with a person who is very partisan sitting 19 alongside of him, perhaps even much more partisan than he 20 is." I think the three attorneys that just spoke you've 21 made my whole point. That's what he's worried about, that 22 there is sitting alongside of me who is consulting with me. | 14 | THE COURT: They're both in evidence. |
| 23 | MR. KISE: Respectfully, I disagree with that. The 24 person that's sitting next to you this morning is way more 25 partisan than -- well, I'm not saying -- I'm going to leave | 15 | MR. ROBERT: Thank you. |
| 22 | CROSS EXAMINATION | 16 | THE COURT OFFICER: Witness entering. |
| 23 | BY MR. ROBERT: | 17 | (Whereupon, the witness enters the courtroom and 18 approaches the witness stand.) |
| 24 | Q Good afternoon, Mr. Cohen. | 19 | THE COURT: I'll remind the witness he's still 20 under oath. |
| 25 | A Good afternoon. | 21 | Let's proceed with the questioning. |
| Proceedings | Page 2423 | M. Cohen - Plaintiff - cross (Robert) | Page 2425 |
| 1 | that alone, but the witness is the one that's obviously 2 partisan. That's been the whole point of the cross 3 examination. That's been the whole point of the morning is 4 that he's partisan. He's a liar, he's biased, he makes 5 money off of -- again, you know, you heard my speech. 6 That's really the focal point. | 1 | Q You took an oath yesterday before you took the stand, 2 did you not? |
| 7 | THE COURT: I think that -- I would disagree. The 8 focal point was he's dishonest, not that he's some sort of 9 partisan democrat. | 3 | A I did. |
| 10 | MR. KISE: Well, that, too. I'll take that. | 4 | Q And you promised to tell the truth, did you not? |
| 11 | THE COURT: I've reconsidered. The ruling stands. 12 You're fined \$10,000. Don't do it again or it will be 13 worse. Let's get the witness in. | 5 | A I did. |
| 14 | MR. ROBERT: Your Honor, just a couple of 15 housekeeping things as we're waiting for the witness. | 6 | Q And you realize that if you don't tell the truth you're 7 committing a lie; correct? |
| 16 | THE COURT: Sure. | 8 | A Correct. |
| 17 | MR. ROBERT: I just want to make sure Defendant's 18 Exhibit 953, which is the December 12, 2018 transcript and 19 Defendant's Exhibit 961, which was the February 28, 2019 20 transcript are in evidence. I don't -- | 9 | Q And that's perjury; correct? |
| 21 | MR. KISE: Your microphone. | 10 | A Correct. |
| 22 | MR. ROBERT: Can you hear me? | 11 | Q And you remember in times past you've also taken an 12 oath when you've testified; correct? |
| 23 | MS. HABBA: Yes, but we can't hear him and I'm 24 sitting right here. | 13 | A Correct. |
| 25 | MR. ROBERT: Is this better? Can you hear he now? | 14 | Q And you testified this morning that other times that 15 you've testified under oath you've testified falsely; correct? |
| | | 16 | A Correct. |
| | | 17 | Q And one of those times was in the Southern District of 18 New York; correct, sir? |
| | | 19 | A Correct. |
| | | 20 | Q And that's literally if we can see out the window next 21 door; correct? |
| | | 22 | A If you say so. |
| | | 23 | Q Well, it was in the Southern District of New York; 24 correct? |
| | | 25 | A Yes. |

PEOPLE OF THE STATE OF NEW YORK v.
DONALD J. TRUMP, et al.MICHAEL COHEN
October 25, 2023

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| M. Cohen - Plaintiff - cross (Robert) | Page 2426 | M. Cohen - Plaintiff - cross (Robert) | Page 2428 |
| 1 Q You had been indicted by the United States Attorney of 2 the Southern District of New York; correct? | | 1 A Correct. | |
| 3 A Yes. | | 2 Q And at first you pled that you were not guilty; | |
| 4 Q And the criminal proceedings relating to that 5 indictment was in the Southern District of New York; correct? | | 3 correct? | |
| 6 A Yes. | | 4 A I don't recall that, no. | |
| 7 Q And you remember appearing in court for those various 8 indictments; correct? | | 5 Q Well, you don't recall originally entering an | |
| 9 A Correct. | | 6 appearance of not guilty and then later changing it to guilty? | |
| 10 Q I think it was a total of, what was it, eight or nine 11 indictments that you faced? | | 7 A No. | |
| 12 A Initially eight and another one for the 1001 violation, 13 so nine. | | 8 Q Well, sir, can we agree that eventually you did plead | |
| 14 Q So a total of nine indictments? | | 9 guilty? | |
| 15 A Correct. | | 10 A Yes. | |
| 16 Q And the first indictments were heard before Judge 17 Pauly; correct? | | 11 Q And, sir, the process when you were -- withdrawn. | |
| 18 A That's correct. | | 12 And the first set of indictments was before Judge | |
| 19 Q And the second one was heard before Judge Carter; 20 correct? | | 13 Pauly; correct? | |
| 21 A Yes. | | 14 A Yes. | |
| 22 Q And would you agree with me, sir, that when a person is 23 charged with a serious felony, it's serious? | | 15 MS. FAHERTY: Just to clarify, I think they were | |
| 24 THE COURT: That's a tautology. | | 16 counts on an indictment. I don't think it was multiple | |
| 25 MR. ROBERT: It's like an Austin Powers question, | | 17 indictments, just for clarity's sake. | |
| M. Cohen - Plaintiff - cross (Robert) | Page 2427 | 18 Q So it was two indictments; one was for eight counts and | |
| 1 but I figured I'd try. | | 19 one was for one count. We understand each other? | |
| 2 Q It's an important event in a person's life when they're 3 charged criminally; correct? | | 20 A I understand. | |
| 4 A Yes, it was. | | 21 MR. ROBERT: The witness and I get it, Ms. Faherty. | |
| 5 Q Other than finding out they have cancer, it may be one 6 of the serious things that happens to a person. Would you agree | | 22 Thank you. | |
| 7 with me, sir? | | 23 Q So it was a series of two indictments; correct, sir, | |
| 8 A There are many things. | | 24 with nine counts? | |
| 9 Q Yes or no? | | 25 A Yes. | |
| 10 A I don't agree with you, no. | | M. Cohen - Plaintiff - cross (Robert) | Page 2429 |
| 11 Q So, sir, being indicted criminally -- withdrawn. | | 1 Q And when you went to court one day it was determined | |
| 12 In your case was it serious that you were indicted 13 criminally? | | 2 that you were going to plead guilty to those counts; correct? | |
| 14 A Yes. | | 3 A When I appeared in court? | |
| 15 Q You were facing jail; correct? | | 4 Q Yes. | |
| 16 A Yes. | | 5 Q Yes. | |
| 17 Q Prison? | | 6 Q And you understood the importance when you were before | |
| 18 A Yes. | | 7 Judge Pauly of pleading guilty; correct? | |
| 19 Q You actually went to prison; right? | | 8 A Yes. | |
| 20 A Correct. | | 9 Q And this was not where you walked into court and five | |
| 21 Q And as part of the process a person is arraigned; | | 10 minutes later you walked out; right? | |
| 22 correct? | | 11 A Yes, it was. | |
| 23 A Correct. | | 12 Q So when you appeared on August 21, 2018 for your -- to | |
| 24 Q And as it comes a point in time when a person is asked 25 whether they're guilty or not guilty? | | 13 plead guilty, you'd say that was a five-minute appearance? | |

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| M. Cohen - Plaintiff - cross (Robert) | Page 2430 | M. Cohen - Plaintiff - cross (Robert) | Page 2432 |
| 1 understand, sir, that you are now under oath and that if you 2 answer any of my questions falsely, your false or untrue answer 3 may later be used against you in another prosecution for perjury 4 or making a false statement." And you responded, "I do, Your 5 Honor." Do you remember that? | | 1 through it, but in the document that's in evidence as 2 Defendant's Exhibit 951, Judge Pauly asks you over 50 questions. 3 Do you have a reason to quarrel with me when I say that? 4 A I don't. 5 Q And sir, you understood that Judge Pauly was asking you 6 those 50 questions because he needed to satisfy himself that you 7 were in fact guilty; correct? | |
| 6 MS. FAHERTY: Your Honor, I just want to note my 7 objection for the record, which was similarly raised earlier 8 this morning. If we are asking the witness to form legal 9 conclusions, that is entirely improper. I am noting my 10 objection, especially as we're throwing around the 11 slanderous buzzword "perjury" like we did earlier. 12 Reasserting myself, Your Honor. | | 8 A I don't know what Judge Pauly was thinking. 9 Q Well, it's not about what he's thinking. He said to 10 you while you were in court that day to plead guilty, quote: 11 "My questions are intended to satisfy me that you wish to plead 12 guilty because you are guilty and that you fully understand the 13 consequences of your plea." If you want to look, sir, it's on 14 page eight, lines one through five. | |
| 13 MR. KISE: Your Honor -- 14 THE COURT: Overruled. | | 15 MS. FAHERTY: Is that a question? 16 MR. ROBERT: It is. I asked him -- we can have the 17 question read back, Your Honor. | |
| 15 Q Answer my question, sir. 16 A Can you repeat it? | | 18 THE COURT: While he's looking, sidebar, please. 19 Sidebar or front bar I like to call it. 20 (Whereupon, an off-the-record discussion is held at 21 the side bar.) | |
| 17 MR. ROBERT: Could the court reporter repeat it? 18 THE COURT: Read back, please. 19 (Whereupon, the requested portion of the 20 proceedings was read back by the court reporter.) 21 A I do. 22 Q And do you further recall Judge Pauly saying to you, 23 quote, "My questions are intended to satisfy me that you wish to 24 plead guilty because you are guilty and that you fully 25 understand the consequences of your plea." | | 22 THE COURT: Read back of the last question, please. 23 (Whereupon, the requested portion of the 24 proceedings was read back by the court reporter.) 25 Q It's not about what you think Judge Pauly meant. He | |
| M. Cohen - Plaintiff - cross (Robert) | Page 2431 | M. Cohen - Plaintiff - cross (Robert) | Page 2433 |
| 1 Do you remember that, sir? 2 A I do. 3 Q This was a serious day; correct? 4 A Yes. 5 Q And Judge Pauly took this incredibly seriously, did he 6 not? 7 A You're asking me to figure out what Judge Pauly 8 thought? 9 Q So you don't think Judge Pauly took the proceedings 10 seriously? You don't know? 11 A I'm not in a position -- 12 MS. FAHERTY: Objection. 13 THE COURT: Sustained. Yes or no? 14 Q Did you take him seriously? 15 A Asked and answered, but yes. 16 Q What was asked and answered? Did you take him 17 seriously? 18 A Yes. 19 THE COURT: You did ask him that and he did answer 20 that. 21 Q And, sir, during the course of those proceedings Judge 22 Pauly asked you over 50 questions about the crimes that you are 23 about to plead guilty to, didn't he? 24 A I don't know the number. 25 Q Well, sir, I mean, I can spend the next two days going | | 1 explained to you why he was asking all those questions, did he 2 not? 3 A He did. 4 Q And in response to those questions, you lied to him; 5 true? 6 A That's true. 7 Q And then about a month or so later there are additional 8 charges that are brought against you; correct? 9 A That's correct. 10 Q And at that point you appear before Judge Carter; 11 correct? 12 A Correct. 13 Q And at that point you enter a guilty plea before Judge 14 Carter; correct? 15 A Correct. 16 Q And that was for you pleading guilty to lying to 17 Congress; correct? 18 A Correct. 19 Q And on that occasion Judge Carter asked you over 76 20 questions to satisfy him that you were guilty. Do you remember 21 that? 22 A I don't remember the number. 23 Q Well, do you remember that he asked you several 24 questions to satisfy himself that you were in fact guilty? 25 A Yes. | |

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| <p style="text-align: right;">Page 2434</p> <p>1 Q And at that point when you gave that testimony in the 2 Southern District of New York were you lying then? 3 A No. 4 Q So you lied to Judge Pauly on August 21st, but you 5 didn't lie to Judge Carter on November 29th. That's your 6 testimony here today? 7 A Yes. 8 Q Okay. And, sir, you were then subsequently sentenced a 9 few weeks later, were you not? 10 A Yes. 11 Q And that sentencing was on December 12, 2018; correct? 12 A Correct. 13 Transcript continues on the following page.... 14 15 16 17 18 19 20 21 22 23 24 25</p> | <p style="text-align: right;">M. COHEN - PLAINTIFF - CROSS(MR. ROBERT) Page 2436</p> <p>1 Did you lie at the sentencing hearing? 2 Q Correct? 3 THE COURT: And it is not a question of what he is 4 referring to. He's asking you a question. Did you lie at 5 the sentencing hearing? 6 THE WITNESS: I don't recall. 7 Q You don't recall whether you lied at your sentencing? 8 A I don't recall. I have no idea what you're talking 9 about. 10 Q The man that was deciding how much prison time you were 11 going to take and you don't remember if you lied? I don't know 12 who you keep looking at for an answer. Maybe you should look 13 up. 14 A I'm trying to understand your question. 15 MS. FAHERTY: Can we avoid the commentary, Your 16 Honor? 17 THE COURT: I thought it was understandable under 18 the circumstances. 19 What don't you understand? Did you lie at your 20 sentencing hearing? You know what a sentencing hearing is. 21 You know what a lie is. 22 A I stated I lied at the plea, but the sentencing, I 23 stood there and I received the sentence. There -- I don't 24 recall that there was much communication going back and forth 25 which is why I'm asking you to clarify your question.</p> |
| <p style="text-align: right;">M. COHEN - PLAINTIFF - CROSS(MR. ROBERT) Page 2435</p> <p>1 Q And you lied at your sentencing, didn't you? 2 A On? 3 Q First, sir, did you lie at your sentencing, yes or no? 4 A I don't know what you're referring to. I apologize. 5 Q Well, you don't remember that you were sentenced for 6 criminal conduct on December 12, 2018? 7 A I was sentenced. 8 Q You were sentenced to prison, correct? 9 A Correct. 10 Q And you don't know as you sit here today whether you 11 lied that day? 12 A At sentencing? 13 Q Correct. 14 A I -- I -- I don't know what you're even referring to. 15 Q It is not a question of what I'm referring to. I 16 promise you that we are going to get there, sir. 17 A I can't answer your question. 18 Q So you don't know as you sit here today whether you 19 lied to Judge Pauley at your sentencing, do you? 20 A Are you referring to when I took the -- when I 21 accepted the sentence? 22 THE COURT: Mr. Cohen, it is not -- 23 THE WITNESS: I apologize. I'm just lost with the 24 question. 25 THE COURT: It seemed pretty straightforward to me.</p> | <p style="text-align: right;">M. COHEN - PLAINTIFF - CROSS(MR. ROBERT) Page 2437</p> <p>1 Q You don't remember making a statement under oath to 2 Judge Pauley on the day he was going to sentence you to take you 3 away from your family? 4 A Yes. Yes. Actually, I know what you are talking about 5 now. 6 Q Now, you remember? 7 A Yes, I do. 8 Q And you lied? 9 A I did. 10 Q So you lied when you pled guilty, right? We know the 11 answer already, but just tell me. 12 A Asked and answered. How many times are you going to 13 ask me the same question. 14 Q I know you think you're a lawyer, but you're not. 15 A Yes, I know that. 16 Q So, sir, you lied at the time -- you lied more than 17 once in federal court, correct? 18 A Correct. 19 Q When the stakes affected you personally, right? 20 A Correct. 21 Q And you mislead a federal judge? 22 A Yes. 23 Q And one of the charges that you pled guilty to, which 24 you say today you still are guilty of, is that you lied to 25 Congress, right?</p> |

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| M. COHEN - PLAINTIFF - CROSS(MR. ROBERT) | Page 2438 | M. COHEN - PLAINTIFF - CROSS(MR. ROBERT) | Page 2440 |
| 1 A Correct. | | 1 A I'm sorry. Can you repeat the question? | |
| 2 Q And you pled guilty to that in December of 2018, | | 2 MR. ROBERT: Your Honor, if I could have the | |
| 3 correct? | | 3 question read back. | |
| 4 A Correct. | | 4 THE COURT: Readback, please. | |
| 5 Q And then, sir, you were sentenced, correct? | | 5 (Whereupon, the requested portion of the record was | |
| 6 A Yes. | | 6 read back.) | |
| 7 Q And you reported to prison some time thereafter, | | 7 A Correct. They did not tell me. | |
| 8 correct? | | 8 Q To inflate the numbers? | |
| 9 A Correct. | | 9 A To inflate the numbers overtly. | |
| 10 Q So after you lied at your time that you pled guilty, | | 10 Q Sir, that was the sworn testimony you gave to Congress, | |
| 11 you lied to Judge Pauley at your sentencing. You then lied to | | 11 correct? | |
| 12 Congress couple of months after you lied at your sentencing, | | 12 A That's correct. | |
| 13 didn't you? | | 13 Q And this morning when you were asked if that was a lie, | |
| 14 A I don't recall. | | 14 you said, "Yes, it was a lie." That was your testimony? | |
| 15 Q Sir, this morning you were shown testimony that in | | 15 A Correct. | |
| 16 February of 2019, you lied to Congress. That was the testimony. | | 16 Q So you lied to Congress in February of 2019, correct? | |
| 17 Do you remember that? | | 17 It's not that hard. | |
| 18 A I remember it being asked. | | 18 A It is because -- | |
| 19 Q Yes. And sir, that is Defendant's Exhibit 961 in | | 19 Q Sir, yes or no? | |
| 20 evidence and that was in February of 2019. That was less than | | 20 THE COURT: All right. Just questions. | |
| 21 three months after you had already pled guilty to lying to | | 21 Q Sir -- | |
| 22 Congress. You then lied to Congress in between the time you | | 22 MS. FAHERTY: Thank you, Your Honor. | |
| 23 were sentenced and going to prison, true? | | 23 Q February of -- let's do it the easy way. You pled | |
| 24 A What -- and what page are you on? | | 24 guilty in December of '18, correct? | |
| 25 Q I'm not on a page. I'm asking you a question, sir. | | 25 A I did. | |
| M. COHEN - PLAINTIFF - CROSS(MR. ROBERT) | Page 2439 | M. COHEN - PLAINTIFF - CROSS(MR. ROBERT) | Page 2441 |
| 1 MR. ROBERT: Your Honor, can I have the question | | 1 Q Can we agree that from February of '19 to December of | |
| 2 read back, please? | | 2 '18 is three months? | |
| 3 THE COURT: Sure. Readback, please. | | 3 A Yes. | |
| 4 MR. ROBERT: Thank you. | | 4 Q So can we agree that within three months -- | |
| 5 (Whereupon, the requested portion of the record was | | 5 THE COURT: From when to when? | |
| 6 read back.) | | 6 MS. FAHERTY: I was a little confusing for me, too. | |
| 7 A I don't know if what I had said here is a lie. | | 7 MR. ROBERT: Even better. | |
| 8 Q You testified earlier, sir, that it was a lie. | | 8 Q Within two months. | |
| 9 A Off of that sentence. | | 9 A What two months are you now referring to? | |
| 10 Q So, sir, did -- the question on page 149: "Did Mr. | | 10 Q Sir, in December of 2018, you pled guilty in Judge | |
| 11 Trump direct you or Mr. Weisselberg to inflate the numbers for | | 11 Pauley's courtroom to a smorgasbord of crime, correct? | |
| 12 his personal statement. Answer, "I'm sorry." "Did he ask me to | | 12 A That's how he characterized it, yes. | |
| 13 inflate the numbers? Not that I recall, no." | | 13 Q Those were his words, Judge Pauley's, correct? | |
| 14 That was your testimony under oath to Congress in | | 14 A Yes. | |
| 15 February of 2019; yes or no? | | 15 Q Those weren't my words. Those were Judge Pauley's. | |
| 16 A No. | | 16 A Correct. | |
| 17 Q That's not the testimony? | | 17 Q One of those smorgasbord crime was lying to Congress, | |
| 18 A That is the testimony. | | 18 correct? | |
| 19 Q That is -- | | 19 A Correct. | |
| 20 A It is not a lie. | | 20 Q Now we fastforward and I thank Ms. Faherty for helping | |
| 21 Q That's what you said? | | 21 me with the math. We are now two months ahead. | |
| 22 A That is not a lie. | | 22 So two months after you plead guilty to lying to | |
| 23 Q So your testimony is that Mr. Trump and Mr. Weisselberg | | 23 Congress -- I don't know why you keep looking to the left. | |
| 24 did not tell you to inflate the numbers, correct; yes or no, | | 24 A I'm staring where I want to stare, sir. | |
| 25 sir? You can't have it both ways. | | 25 THE COURT: He can look where he wants. Come on. | |

NYSCEF DOC. NO. 1637
PEOPLE OF THE STATE OF NEW YORK v.
DONALD J. TRUMP, et al.RECEIVED NYSCEF 11/15/2023
MICHAEL COHEN
October 25, 2023

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| M. COHEN - PLAINTIFF - CROSS(MR. ROBERT) | Page 2442 | M. COHEN - PLAINTIFF - CROSS(MR. ROBERT) | Page 2444 |
| 1 Q Two months after you pled guilty to lying to Congress, 2 before you had to report to prison, you lied to Congress again, 3 correct? | | 1 the numbers on his personal statement, correct; yes or no? Yes 2 or no? | |
| 4 A No. | | 3 A Correct. | |
| 5 Q You didn't lie to Congress again? | | 4 MR. ROBERT: If I may have a moment, Your Honor. | |
| 6 A Mr. Trump did not -- | | 5 THE COURT: Sure. | |
| 7 THE COURT: No. No. No speech. | | 6 (Whereupon, there was a pause in the proceedings.) | |
| 8 THE WITNESS: This will go on forever unless he 9 lets me explain. | | 7 MR. ROBERT: Your Honor, I have no further 8 questions at this time, but would ask for an immediate 9 directed verdict because the state's key witness who they 10 base their entire case on has now testified that Mr. Trump 11 and Mr. Weisselberg did not direct him to inflate the 12 numbers. | |
| 10 Q I'm sure they are going to try to rehabilitate you. I 11 don't know how. | | 13 We have had other bases and we will make a directed 14 verdict motion at the end of the plaintiff's case, but I 15 can't think of anything more appropriate now in light of 16 this witness' testimony that the case be brought to an end. | |
| 12 A So the answer is no. | | 17 THE COURT: Denied. | |
| 13 Q The answer is no. So now you are saying when you 14 talked earlier about the fact that that was a lie to Congress, 15 now that's a lie? | | 18 MS. FAHERTY: Thank you, your Honor. | |
| 16 A No. I made a mistake. | | 19 THE COURT: Ms. Faherty or anyone else, would you 20 like to re-direct the witness? | |
| 17 Q So you made a mistake -- | | 21 MS. FAHERTY: I would, Your Honor. Can I take two 22 minutes to get my things together? | |
| 18 A I made a mistake. | | 23 THE COURT: Sure. Of course. | |
| 19 Q -- when you testified under oath -- | | 24 MS. FAHERTY: Thank you, Your Honor. | |
| 20 A Because it's -- | | 25 (Whereupon, there was a pause in the proceedings.) | |
| 21 THE COURT: Mr. Cohen. You're interrupting the 22 lawyer. Just wait and let him finish the question. | | | |
| 23 THE WITNESS: Okay. | | | |
| 24 Q So let me get this straight. So now you're saying when 25 you testified earlier that you lied to Congress in February of | | | |
| M. COHEN - PLAINTIFF - CROSS(MR. ROBERT) | Page 2443 | M. COHEN - PLAINTIFF - REDIRECT(MS. FAHERTY) | Page 2445 |
| 1 '19 and you just testified in the last five minutes that you 2 lied and you testified to Congress in February of '19, now you 3 are saying, "I didn't lie when I testified to Congress in 4 February of '19." Is that what you are saying? | | 1 MS. FAHERTY: Your Honor, may I proceed? | |
| 5 A Yes. | | 2 THE COURT: Please. | |
| 6 Q So now you're saying that that statement is a true 7 statement, correct? | | 3 REDIRECT EXAMINATION | |
| 8 A Correct. | | 4 BY MS. FAHERTY: | |
| 9 Q You are now saying under oath after all of the 10 examination of the Attorney General and all the 11 cross-examination, you're now saying that Mr. Trump did not 12 direct you or Mr. Weisselberg to inflate the numbers on his 13 personal statement? Is that what you're saying, sir; yes or no? | | 5 Q Mr. Cohen, you were asked a number of questions about 6 your sentencing in the Southern District of New York. Do you 7 recall that? | |
| 14 A Mr. Trump did not -- | | 8 A Yes. | |
| 15 Q Yes or no, sir? | | 9 Q And in connection with your sentencing in the Southern 10 District of New York, did you and your counsel put together 11 what's called a sentencing memo? | |
| 16 A You know what? | | 12 A Yes. | |
| 17 MR. ROBERT: Your Honor, please. | | 13 Q Did you put information about your understanding of the 14 crimes you had pled guilty to into that sentencing memo? | |
| 18 THE COURT: I direct the witness to answer yes or 19 no and the question was yes or no. | | 15 A Yes. | |
| 20 A I stand with that response, "Not that I recall, no." | | 16 Q And did you provide information to the court about your 17 position as to your guilty plea in that sentencing memo? | |
| 21 Q I stand with the response, "Not that I recall, no." | | 18 A Yes. | |
| 22 So you're saying that this was truthful testimony; yes 23 or no? | | 19 Q Did you also information to the court about the factual 20 circumstances surrounding your guilty pleas into that sentencing 21 memo? | |
| 24 A Yes. | | 22 A Yes. | |
| 25 Q Okay. So Mr. Trump then never directed you to inflate | | 23 Q Did you submit that to the court in the hopes that the 24 court would review that information? | |
| | | 25 A Yes. | |

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| M. COHEN - PLAINTIFF - REDIRECT(MS. FAHERTY) Page 2446 | M. COHEN - PLAINTIFF - REDIRECT(MS. FAHERTY) Page 2448 |
| 1 Q And accept that information from you? | 1 statements about, you know, why I think the punishment is |
| 2 A Yes. | 2 too severe or why I think my circumstances are different, |
| 3 Q In connection with the -- your sentence in the | 3 that's irrelevant and it is completely admissible under the |
| 4 Southern District of New York? | 4 prior consistent statement exception. |
| 5 A Yes. | 5 And I can cite the Court to the Melendez case, 54 |
| 6 MS. FAHERTY: Your Honor, I'd like to pass forward | 6 AD2d 864. It is a First Department case. The Giordano |
| 7 a document I've premarked as PX 3299. I put it up, the | 7 case, 9 AD2d 947. It is a Second Department case. People |
| 8 cover page, on the screen. I'll just ask Mr. Cohen if he | 8 v. McKlean, 69 NY2d 426 which is a Court of Appeals case. I |
| 9 recognizes this document. | 9 mean, I probably have 20 here, but you told me before you |
| 10 A I do. | 10 only need a couple, so -- but -- but unless the statement |
| 11 Q What do you recognize this to be, Mr. Cohen? | 11 is fully consistent with what this witness has testified to |
| 12 A This is the sentencing memorandum on my behalf that was | 12 here in open court, meaning he told Judge Pauley or he wrote |
| 13 produced by myself and guy Petrillo of Petrillo, Klein & Boxer, | 13 something in court back then that says "I'm not guilty of |
| 14 my criminal attorneys at the time. | 14 these crimes," it cannot come in under the prior consistent |
| 15 Q And is it your understanding that this sentencing memo | 15 statement exception. |
| 16 was, in fact, considered before the Southern District of New | 16 It's just completely inadmissible. It doesn't |
| 17 York pronounced sentence on you in connection with the crimes to | 17 satisfy any of the prerequisites and we haven't had a chance |
| 18 which you pled guilty in the Southern District of New York? | 18 to go through that memorandum, but we can. We could take a |
| 19 A Yes. | 19 few-minutes break and look, but I doubt seriously that there |
| 20 MS. FAHERTY: Your Honor, I move to admit this | 20 is anything in there that's consistent with what this |
| 21 document. | 21 witness has said today about him not being guilty because |
| 22 MR. ROBERT: Objection, Your Honor. It's | 22 Judge Pauley never would have accepted a plea under those |
| 23 bolstering the witness. Unless in these 33 pages it says | 23 circumstances. It is not possible. |
| 24 that he's actually not guilty, it is completely irrelevant. | 24 MS. FAHERTY: He can speak for the judge now. |
| 25 And I haven't read these 33 pages, but I don't think Mr. | 25 MR. KISE: I can speak to -- |
| M. COHEN - PLAINTIFF - REDIRECT(MS. FAHERTY) Page 2447 | M. COHEN - PLAINTIFF - REDIRECT(MS. FAHERTY) Page 2449 |
| 1 Petrillo in the sentencing memo told Judge Pauley that the | 1 MS. FAHERTY: To the extent that we need a rule |
| 2 client lied and he is actually not guilty of the crime. So | 2 that supports why this evidence is admissible, 4514, Your |
| 3 I don't see what the relevance of this would be. | 3 Honor, under the CPLR, respectfully, this is perfectly fair |
| 4 MR. KISE: Right, Your Honor. The rule for | 4 game, perfectly admissible and perfectly in line with the |
| 5 admissibility of prior consistent statements, which is a | 5 evidence these attorneys have put forth before this Court |
| 6 very narrow limitation on the hearsay rule, is the statement | 6 that you and your liberal discretion have permitted with |
| 7 has to be characterized as a recent fabrication or perjury. | 7 regards to a sentencing of Mr. Cohen. |
| 8 We satisfied that and the same statement was made at a time | 8 In fact, they moved to admit and you accepted the |
| 9 pre-dating the statement in court. So it has to be the same | 9 sentencing memo submitted by the federal government in that |
| 10 statement. It can't be a different statement. It can't be | 10 action. So, Your Honor, respectfully, this is appropriate |
| 11 an inexplanatory [sic] statement. | 11 and I have moved this into evidence despite the objection. |
| 12 If there are statements that say in there, "I am | 12 MR. KISE: Your Honor, our document was introduced |
| 13 not guilty," "I'm pleading guilty even though I'm not | 13 as impeachment. This document is being introduced to |
| 14 guilty," that might be acceptable. We don't know because we | 14 attempt to rehabilitate an un-rehabilitatable witness and |
| 15 haven't been able to go through it. Anything in there about | 15 the law is just very clear on this. This is not subject to |
| 16 excuses why he did the crime or why he thinks the penalty is | 16 debate. So unless the statement is consistent with the |
| 17 too much or why there's extenuating circumstances, that's | 17 testimony presented in this courtroom, consistent, not |
| 18 all improper rehabilitation. It is all complete hearsay. | 18 inconsistent, not maybe, not moving around it, it has to be |
| 19 If he said at the time, which clearly he did, because Judge | 19 fully consistent. |
| 20 Pauley would never have accepted the plea. I've been to | 20 I think the example I gave when we had this issue |
| 21 enough sentencings. | 21 with Mr. Larson is if the witness says today that the light |
| 22 So if he said at the time "I'm not guilty," "I'm | 22 is green and he's challenged that that's a recent |
| 23 not guilty," "I'm not guilty" like he said here today under | 23 fabrication, then you can introduce prior statements that |
| 24 oath, then that statement could come in as a prior | 24 say where the witness said under oath the light was green. |
| 25 consistent statement. But just general statements or | 25 Fine, but here, you have a situation where the witness is |

NYSCEF DOC. NO. 1-637
PEOPLE OF THE STATE OF NEW YORK v.
DONALD J. TRUMP, et al.RECEIVED NYSCEF 11/15/2023
MICHAEL COHEN
October 25, 2023

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| M. COHEN - PLAINTIFF - REDIRECT(MS. FAHERTY) Page 2450 | M. COHEN - PLAINTIFF - REDIRECT(MS. FAHERTY) Page 2452 |
| <p>1 saying on the stand the light is green and the prior 2 statements just like with Mr. Larson are the light is red, I 3 don't know, maybe, I'm not sure, all those things. Those 4 aren't prior consistent statements.</p> <p>5 This is improper bolstering with hearsay. The 6 prior consistent statement exception to the hearsay rule is 7 one of the narrowest exceptions that there is. So the idea 8 they can just bring something in because we introduced a 9 sentencing memorandum for an entirely different person, this 10 isn't -- the law doesn't work that way. The statement must 11 be fully consistent and the Court must make a finding 12 specifically on the record that it is fully consistent.</p> <p>13 So if the government would like to point out 14 exactly where in that memorandum Mr. Cohen said, "I'm not 15 guilty of this crime", "I'm pleading guilty even though I'm 16 not guilty," and "I plan to lie to Judge Pauley by answering 17 his questions with I'm guilty because I'm pleading guilty 18 because I am," fine. But I doubt anywhere in that 19 memorandum is a statement consistent with what this witness 20 has testified to in this courtroom.</p> <p>21 THE COURT: You doubt that anywhere in the 22 memorandum is a statement --</p> <p>23 MR. KISE: I can't imagine again. Look, I can't 24 speak for Judge Pauley, but I can speak to all the federal 25 sentencing I attended and I can tell you that no federal</p> | <p>1 is prior inconsistent statement. They can't impeach their 2 own witness with prior --</p> <p>3 THE COURT: Ms. Faherty, is that the right 4 provision?</p> <p>5 MS. FAHERTY: It is a prior consistent statement. 6 This counsel is trying to repeatedly impeach the witness 7 with his statements. He has made prior consistent 8 statements. Under the rules of evidence, that is 9 permissible rehabilitation. That is an exception to 10 hearsay.</p> <p>11 THE COURT: Am I correct that that's not the 12 section you were referring to?</p> <p>13 MS. FAHERTY: I pulled the wrong section, Your 14 Honor. My apologies.</p> <p>15 MR. KISE: Again, Your Honor, it has to be a prior 16 consistent statement. The case law is -- from the Court of 17 Appeals on down is very clear on this. It can't just be any 18 statement. It can't be a statement that's general subject 19 matter. It can't be a statement that's inconsistent. It 20 has to be the light was green, the light was green. It's 21 really simple. So if he has -- if they have evidence where 22 this witness said to Judge Pauley in that proceeding before 23 "I'm not guilty" and that's in that sentencing memorandum, 24 then that would be fair game; but it is not if it's just 25 statements about why it's lenient or why I think I shouldn't</p> |
| M. COHEN - PLAINTIFF - REDIRECT(MS. FAHERTY) Page 2451 | M. COHEN - PLAINTIFF - REDIRECT(MS. FAHERTY) Page 2453 |
| <p>1 judge that I ever encountered would take a plea from an 2 individual who stood in front of him and said, "Yes, I'm 3 pleading guilty just because I'm not really guilty." That's 4 the purpose of the colloquy. That's the purpose of this as 5 Mr. Robert pointed out, the purpose of the 55 or 58 or 78 6 questions. I think state judges here, my experience is the 7 same. In fact, in New York State court, the defendant has 8 to allocute, specifically allocute. It is even different 9 than federal court.</p> <p>10 THE COURT: What was the CPLR section to which you 11 referred?</p> <p>12 MS. FAHERTY: 4514, Your Honor.</p> <p>13 THE COURT: It is very short. Let me read it out 14 loud because I want to read it anyway. "In addition to 15 impeachment in the manner permitted by common law," I 16 studied that in law school, "any party may introduce proof 17 that any witness has made a prior statement inconsistent 18 with his testimony if the statement was made in a writing 19 subscribed by him or was made under oath."</p> <p>20 MR. KISE: So now they're proceeding under the 21 impeachment rule, the inconsistent statement? They're going 22 to impeach their own witness with prior inconsistent 23 statements. I mean, that's extraordinary.</p> <p>24 MS. FAHERTY: Your Honor --</p> <p>25 MR. KISE: The only possible basis it can come in</p> | <p>1 be punished, the usual --</p> <p>2 MS. FAHERTY: Your Honor, New York Guide to 3 Evidence 8.31, a prior consistent statement: "A statement 4 of a witness made prior to his or her testimony and 5 consistent with that testimony is admissible when offered to 6 rebut an express or implied claim of recent fabrication and 7 when the statement was made prior to the circumstances 8 supporting that claim." I believe that is sufficient, Your 9 Honor.</p> <p>10 MR. KISE: So Your Honor --</p> <p>11 THE COURT: Last word.</p> <p>12 MR. KISE: First let me applaud Ms. Faherty for 13 making something that's really mundane very 14 interesting. I'll give her that.</p> <p>15 MS. FAHERTY: I tell you.</p> <p>16 MR. KISE: The words that she read are exactly what 17 we're saying. We're actually saying the same thing. They 18 have to be prior consistent statements. They have to be the 19 light was green, the light was green. "I'm not guilty," 20 "I'm not guilty." It can't be "I'm not guilty," "I'm 21 guilty." It can't be "I'm guilty, but I think I should have 22 these extenuating circumstances and now you say I'm not 23 guilty." They have to match up. It has to be identical. 24 It has to match up. So I just think that's the rule.</p> <p>25 It's not really difficult. The case law is very</p> |

MICHAEL COHEN
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| 1 clear. This is a very narrow exception, very narrow 2 exception and they're trying to shoehorn in a whole litany 3 of sentencing considerations, none of which I am sure tell 4 Judge Pauley "I'm not actually guilty of these crimes." 5 THE COURT: Mr. Robert, quickly, if anything. 6 MR. ROBERT: I know when to not speak. 7 THE COURT: I think we're making a mountain out of 8 a molehill. We've been spending hours and hours about the 9 witness' credibility or lack thereof. What's sauce for the 10 goose is sauce for the gander and I think we established 11 that. The prosecution sentencing memorandum came in. This 12 is coming in. I don't even know what's in it. We're 13 arguing about -- 14 MR. KISE: Respectfully, Your Honor, that's the 15 whole point. In order to admit it, you have to make a 16 finding that the statements are identical, that they match 17 up, that they're both consistent. The light was green the, 18 light was green. That's the requisite finding under the 19 case law. 20 MR. ROBERT: Maybe the solution is if the 21 government wants to show us in here where he says, "I'm 22 really not guilty," we will look at it. 23 MS. HABBA: I think they should pull out a specific 24 portion. I think if it's allowed in, it should be a 25 specific portion as I did, not the entirety. That's what | 1 cited -- again, I can go on with many more. I know. This 2 is a very narrow exception, very narrow. 3 THE COURT: Anything else to say before I rule one 4 way or the other? I have a coin here I can flip, you know. 5 MS. FAHERTY: I think you have the complete 6 wherewithal to understand the basis for having this document 7 in front of you, Your Honor. I think you understand the 8 speechifying that has occurred unnecessarily. I would like 9 to move along from this point. Mr. Cohen has testified as 10 to what this document is, what information was contained in 11 the sentencing memo, and how, if at all, it impacted 12 sentencing. 13 THE COURT: I don't remember him testifying to what 14 is in this sentencing memo. 15 MS. HABBA: Thank you, Your Honor. 16 MR. KISE: That's the point. 17 MS. FAHERTY: Let's go through it then. Your 18 Honor, I think if I have to go through it, it is a waste of 19 this Court's time. 20 MR. KISE: No. No. 21 MS. HABBA: That's how this works. 22 MS. FAHERTY: It is just such a waste of the circus 23 show that this has divulged into. 24 MR. KISE: The rules and the case law from the 25 Court of Appeals on down are a waste of time? I realize |
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| 1 she objected to. That was her own objection to my question. 2 THE COURT: Let's go back a step. It is an 3 out-of-court statement, right? Are you introducing it to 4 prove the truth of its contents? 5 MS. FAHERTY: Sorry, Your Honor? 6 THE COURT: Are you introducing it to prove the 7 truth of its contents? 8 MS. FAHERTY: No. 9 THE COURT: Then what are you introducing it for? 10 MS. FAHERTY: To rebut the very testimony that they 11 solicited on cross-examination which -- 12 MR. KISE: No. She's introducing it to prove the 13 truth of its contents meaning on a prior date when he didn't 14 have a reason to -- recent fabrication, that he made a 15 statement fully consistent, identical statement, an 16 identical statement. That's the purpose of the prior 17 consistent statement exception to the hearsay rule. 18 So yes, it is absolutely being offered to prove the 19 truth of the matter asserted. The matter asserted is the 20 contents of the statement, that his statement then and his 21 statement now are fully consistent. So you can't introduce 22 a prior consistent statement for any other reason than to 23 demonstrate that the two are identical. 24 So it is definitely being offered to prove the 25 truth of the matter asserted and the cases I've | 1 that is the government's position. That's been their 2 position with President Trump's case from the beginning, 3 that the rules don't apply, the law doesn't apply, nothing 4 applies, COVID rules don't apply, everything else doesn't 5 apply. 6 MS. FAHERTY: Mr. Kise. 7 MR. KISE: No, you had your say. So the point is 8 there are laws and there are rules. If they want to make a 9 specific proffer to the Court that there are specific 10 statements that are identical, the light was green, the 11 light was green and they're identical and the Court finds 12 that these specific statements are identical, then they can 13 offer to introduce those. But to just throw the memo over 14 the top and say, "I want that in there" because I know where 15 this is headed. I've been down this road before. Born at 16 night, but not last night. 17 What they'll do is they'll throw it in there and 18 then later pull out something in a memo and say, "Look. 19 Look. Here. This is in evidence now." No. No. It 20 doesn't operate that way, prior consistent statement 21 exception. It is very, very, very, very narrow. This is 22 not a speech. This is a recitation of the law. 23 MS. HABBA: Your Honor, briefly. As we know, Ms. 24 Faherty liked to jump up when I was getting up and asked me 25 what statement I was trying to put in, not an entire |

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| 1 document, not even an entire article. I would like to know 2 what statement she has in this 33 pages, please. Where is 3 it referenced? 4 MS. FAHERTY: "Mr. Cohen, in the sentencing memo on 5 page three, paragraph C, is there a subtopic heading, "The 6 Nature of the Offense Conduct?" "Yes." 7 MS. HABBA: What? 8 MR. ROBERT: What? 9 MS. HABBA: We must be looking at -- 10 MS. FAHERTY: Page 13, paragraph C. 11 MR. KISE: Should we do this in the presence of the 12 witness line by line. 13 MS. HABBA: Perhaps not. 14 MS. FAHERTY: Which way would you like it, Counsel? 15 MR. KISE: With the witness not here and we can go 16 through it, the way it is contemplated. 17 THE COURT: Hold on. 18 (Continued on the next page.) 19 20 21 22 23 24 25 | 1 Q Did that end at some point? 2 A Yes. 3 Q When? 4 A It ended in -- well, it ended with my interview with 5 George Stephanopoulos where I stated that my wife, my daughter, 6 my son have my first loyalty, as well as my country, and that I 7 would not be the villain of his story. 8 Q Do you recall about when that was? 9 A 2018, maybe 2019. 10 Q And can we pull up Defendant's Exhibit D 961 and turn 11 to page 149? 12 A Yes. 13 Q You were asked a number of questions on this particular 14 page with regard to your prior testimony. Is that fair, 15 Mr. Cohen? 16 A Correct. 17 Q Ms. Habba asked you certain questions; correct? You 18 recall that? 19 A Yes-or-no question, yes. 20 Q Mr. Robert asked you a number of questions; fair? 21 A Yes. 22 Q I believe I heard you wanted to offer an explanation 23 that you may not have been permitted to fully testify on. 24 Would you like to provide an explanation that you were 25 not previously able to provide in response to Counsel's | |
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| 1 THE COURT: Ms. Faherty, I don't know what's in 2 here. You'll have to go through it. 3 MS. FAHERTY: Your Honor, if I may? 4 THE COURT: If you want to not -- 5 MS. FAHERTY: -- on the issue and I could submit a 6 letter. It might be more helpful to the Court because 7 Counsel I don't think will actually allow me to get through 8 this and I think we can just move it along. 9 THE COURT: Okay. Sure. 10 MR. KISE: That's fine if they want to submit 11 something later after the witness. 12 MS. FAHERTY: Okay. 13 Q Mr. Cohen -- 14 THE COURT: By the way, I don't want spend to much 15 time on this. We keep micromanaging these little pieces of 16 a big case. 17 MR. KISE: That's why we're here. 18 MS. HABBA: He just admitted he didn't tell him to 19 do what he said he did. We're done. We can move on. 20 THE COURT: You reserve the right to put it in a 21 memo why this should come in. 22 Q Mr. Cohen, you were asked on cross about numerous 23 positive statements that you made about Donald J. Trump. Do you 24 recall that? 25 A I do. | 1 questions earlier on this particular document and this 2 particular page? 3 MR. KISE: Objection. Calls for a narrative. She 4 needs to ask a specific question about what it is she is 5 seeking. This is a witness on direct, so she needs to ask a 6 specific questions, but appropriate questions, not a leading 7 question and not a question that's open-ended. Just tell us 8 what you know. It needs to be a specific question. 9 THE COURT: Interesting issue. I don't think it 10 does. I think you can ask the witness is there anything 11 else you need to tell us or want to tell us. 12 So answer the question, please. 13 A When I was asked the question did he ask me to inflate 14 the numbers, he did not specifically state "Michael, go inflate 15 the numbers." As I stated in my books, and I've stated 16 publicly, Donald Trump speaks like a mob boss and what he does 17 is he tells you what he wants without specifically telling you. 18 So when he said to me "I'm worth more than five million. I'm 19 actually worth maybe six, maybe seven, could be eight," we 20 understood what he wanted. 21 So when they asked me did Mr. Trump direct you or 22 Mr. Weisselberg to inflate the numbers for his personal 23 statement and I stated "no, not that I recall, no," that's what 24 I was referring to. 25 Then, if you continue down as opposed to just cherry | Page 2461 |

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| 1 picking the lines, "did overhear any conversations with Allen 2 Weisselberg" -- "with Mr. Trump and Allen Weisselberg?" 3 "No." 4 The statements that I heard from Mr. Trump directing me 5 and Allen were he wanted to rise in the Forbes 400 list and he 6 directed that Allen and I go and meet with the writer of Forbes 7 and give her the information, explain to her the value of the 8 assets, which we already -- I think we're missing a page. 9 Q It's on the screen, Mr. Cohen. 10 A -- were inflated. 11 "So the value of the assets on those personal financial 12 statements were to your understanding inflated?" 13 My answer, "yes." 14 It then goes on, "Okay. Now, if those were submitted 15 to an insurance firm or a bank and they were sworn to, might 16 that be evidence of a crime?" I stated "I actually pled guilty 17 to it." 18 Q Was that the clarification you wanted to add to your 19 answer that you weren't permitted to answer before? 20 A Yes. 21 MS. FAHERTY: No further questions, Your Honor. 22 Thank you, Mr. Cohen. 23 THE COURT: Any re-recross? 24 MR. KISE: Give us one minute, Your Honor. 25 (Whereupon, there is a pause in the proceedings.) | | 1 arguably equivocal statement by one witness who I don't 2 consider the key witness. And there is enough evidence in 3 this case to fill this courtroom. So denied, but you can 4 make it again at the end of plaintiff's case. 5 MR. ROBERT: We will. Thank you, sir. 6 THE COURT: Since I'm denying it now, I don't think 7 it's going to change, although actually all the other 8 evidence presented, I assume. So I understand where it's 9 coming from, but I hope you understand where I'm coming 10 from. 11 MR. ROBERT: Thank you, sir. 12 THE COURT: All right. Witness is excused. Thank 13 you. 14 (Whereupon, the witness is excused from the witness 15 stand.) 16 THE COURT: All right. Counsel are going to stay, 17 but everyone else, 10:00 a.m. tomorrow. Have a good rest of 18 the day. That's it for the day, except for counsel. 19 (Whereupon, the trial proceedings are adjourned to 20 October 26, 2023 at 10:00 a.m.) 21 22 23 24 25 |
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| 1 MR. ROBERT: Your Honor, we have no further 2 questions. But, once again, I renew my request for a 3 directed verdict again because Mr. Cohen in addition to now 4 admitting to perjury several times, unequivocally has said 5 that Mr. Trump and Mr. Weisselberg did not direct him to 6 inflate the numbers and even this purported redirect 7 examination has done nothing to change the facts that the 8 government's key witness has fallen flat on his face and 9 there is no way they can make out a prima facie case. 10 So, again, at the close of the evidence in the 11 plaintiff's case we'll make a formal motion for directed 12 verdict, but at this point I once again must strenuously 13 request that this Court grant relief and end this case once 14 and for all on behalf of all defendants, sir. 15 THE COURT: Absolutely denied. This case has 16 evidence, credible or not, all over the place. There is a 17 200-page complaint, there is a 35-page summary judgment 18 decision referring all sorts of evidence. 19 The fact that one witness, who I don't necessarily 20 consider from what I've seen to be a key witness, I don't 21 think there is a key witness, who said something which he 22 has now -- however you want to categorize it, taken back. 23 That's absurd, Mr. Robert. I mean, you and I respect each 24 other and I -- you're a very good lawyer, but no way, no how 25 this case is being dismissed because of an equivocal -- | | |

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